

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 2005

WEDNESDAY, MARCH 3, 2004

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 10:37 a.m., in room SD-124, Dirksen Senate Office Building, Hon. Mike DeWine (chairman) presiding.
Present: Senators DeWine and Landrieu.

DISTRICT OF COLUMBIA

COURT SERVICES AND OFFENDER SUPERVISION AGENCY

STATEMENT OF PAUL A. QUANDER, JR., DIRECTOR

ACCOMPANIED BY:

**PAUL BRENNAN, COMMUNITY SUPERVISION OFFICER
REVEREND DONALD ISAAC, EXECUTIVE DIRECTOR, EAST OF THE
RIVER CLERGY-POLICE-COMMUNITY PARTNERSHIP**

OPENING STATEMENT OF SENATOR MIKE DE WINE

Senator DEWINE. Good morning. Today we are reviewing the fiscal year 2005 budget request for the District of Columbia's Court Services and Offender Supervision Agency and the District of Columbia's Public Defender Service.

Under the National Capital Revitalization and Self-Government Improvement Act of 1997, the Federal Government is required to finance both of these independent agencies. First, we will hear from Paul Quander, Director of CSOSA. His agency is responsible for supervising adults who are on pretrial release, probation, and/or parole supervision in the District of Columbia.

The President's fiscal year 2005 Budget request is \$187.5 million for CSOSA, an increase of \$19 million or 12 percent over the fiscal year 2004 enacted level. We would like to hear how these additional resources would be used to further the agency's mission and goals. Last year, this subcommittee appropriated funds above and beyond the President's request to enable CSOSA to reduce its case-load ratio for sex offenders from 36 to 1 down to 25 to 1; for domestic violence offenders, from 42 to 25 to 1; and for offenders with mental health problems from 47 to 1 to 25 to 1.

Also, this subcommittee provided additional resources to allow CSOSA to purchase GPS anklet monitoring equipment to ensure that parolees are not going to places like schools, libraries, where they are prohibited from frequenting. I am concerned, however,

that the fiscal year 2005 budget request does not include the funds to continue these important efforts, and this is something that this subcommittee will have to deal with.

After Mr. Quander testifies, we will then be joined by the Reverend Donald Isaac who will discuss the District's faith/community partnership with CSOSA which aims to reconnect offenders with their communities before returning home from prison. I am interested to see how CSOSA is using video conferences to allow families and mentors here in the District to stay in touch with their loved ones who are incarcerated 5 hours away down in North Carolina.

Mr. Ronald Sullivan will then testify, during the second panel, to present the Public Defender Service budget. PDS is an independent Federal agency that provides legal representation to indigent adults and children facing criminal charges in the District. PDS also provides legal representation for people in the mental health system, as well as the children in the delinquency system, including those who have special education needs due to learning disabilities. The President's budget request for PDS is \$29.8 million which is an increase of \$3.7 million over fiscal year 2004 enacted level.

As usual, witnesses will be limited to 5 minutes, 5 minutes for their oral remarks in order to leave time for questions and answers. Copies of all the written statements will be placed in the record in their entirety.

We would also like to recognize, of course, Eleanor Holmes Norton, who is here. Eleanor is back there somewhere.

There she is. Thank you for joining us, again.

We always welcome her here.

Senator Landrieu, for an opening statement or comments.

STATEMENT OF SENATOR MARY L. LANDRIEU

Senator LANDRIEU. Thank you, Mr. Chairman. I will be brief, but I do want to make just a few comments and welcome to our panelists that are here with us. And, Mr. Quander, it was very nice meeting with you, even just briefly, yesterday.

But I wanted to just recommit myself to working as a partner with Chairman DeWine. We have worked very well chairing and serving as ranking member alternately over the years of this committee as we work with the Mayor and the leadership to strengthen the District of Columbia in any number of ways: through improving our schools and education; through supporting and revitalizing the family court and child welfare system; and through working with leaders, like yourself, to bring more public safety into strengthening our public securities system.

The Mayor, I think, is absolutely correct when he states that the goal of this District, as well as many cities throughout the Nation, is to stabilize and encourage people to stay in the District or to move back to the District, and there are many aspects that go into a person's decision or family's decision to do that. Public safety is one of them. So we thank you for the work and the progress that we are making in that area.

The mission of the agency that you supervise is extremely important to maintaining and improving public safety. There are over

16,000 offenders and 8,000 defendants at any given time. I understand, from your prepared statement, that more inmates are transitioning directly from prison to the community with no half-way house options, which is a real challenge and something I hope we can address and speak about this morning.

In addition, I want to make note of the great progress made during the course of the brief existence of this agency in terms of the caseload reductions that our committee has helped to work with you to make true. Also, the number of parolees rearrested on new drug charges has dropped from 27 percent to 18 percent, which is, I think, a significant drop and a real measure of some success in certain areas.

Although we do have, Mr. Chairman, some effective drug testing programs, I think our resources are still scarce to provide the kind of extensive and comprehensive drug treatment that is necessary, not just in this District and City, but in cities throughout the United States.

So, I just want to commend CSOSA for reducing the caseload. I want to work with you, Mr. Chairman, and make sure we can continue to reduce that caseload. To try our very best to work on strategies to reduce the turnover rate, which is very important, to make sure that these cases are prosecuted and processed in a timely manner just for the rights of the victim, as well as for the rights of the accused. I have a more lengthy statement, but that will suffice for the time being and I look forward to the testimony and the questions. Thank you.

PREPARED STATEMENT OF SENATOR PAUL STRAUSS

Senator DeWine. Senator Strauss has submitted a statement which will also be included in the record.

[The statement follows:]

STATEMENT OF SENATOR PAUL STRAUSS

Chairman DeWine, Ranking Member Landrieu, and others on this subcommittee, as the elected United States Senator for the District of Columbia, and an attorney who practices in our local courts, I would like to state for the record that I fully support the fiscal year 2005 Budget Request for the District of Columbia Court Services Offender Supervision Agency and the Public Defender Services. I would like to thank you for holding this hearing this morning. On behalf of my constituents, I appreciate your consideration of the needs of the people in the District of Columbia. It is vital that these two agencies be fully funded in the amount asked for today. As the elected Senator from the District of Columbia, I myself cannot vote on this appropriation. Therefore, I am limited to merely asking you to support the requests.

Due to our lack of self-determination, we are unable to provide or fund certain government services on a local level. Consequently, the Federal Government has sole discretion as to the funding levels for these agencies. I do not intend to discuss the issue of self-sufficiency and budget-autonomy here today. However, as long as Congress continues to control these institutions, which should be operated by the District, Congress has an obligation to fully fund the budget requests of the agencies present.

The sixth amendment to the Constitution guarantees the accused to have "... assistance of counsel for his defense." Public Defender Services (PDS) satisfies this mandate by playing a vital role in our system of due process. In order to uphold the Constitutional rights of indigent Defendants, it is crucial that PDS's financial requirements are met. The District of Columbia's Public Defender Services have demonstrated an outstanding record of performance. In their 30 years of existence, PDS has set a national standard of excellence with its innovative approaches that are applied by some of the most talented lawyers in the country. They are an agency

that this Congress, this subcommittee, and the citizens of the District of Columbia should be proud of.

The other organization present here today also provides a necessary service to the people of Washington, DC. The Court Services and Offender Supervision Agency (CSOSA) encompasses multiple stages of the legal process. Among them is the Pretrial services Agency (PSA), which Supervises defendants pending trial and/or sentencing. Additionally, the Community Supervision Program (CSP) manages the cases of offenders on probation, parole, or supervised release. Overall, CSOSA has developed a pragmatic approach to both administering the cases of the accused, and in reintegrating past criminal offenders into society. Furthermore, it offers valuable services to victims and provides separate services for women, children, and those in need of professional treatment. The Assessment and Orientation Center (AOC) clinically treats both defendants and offenders who are afflicted with drug addictions. With an 80 percent completion rate, and a decreased arrest rate among graduates by 75 percent, AOC has an outstanding record of success. However, without sufficient funding AOC may have to revert to a "single treatment approach", which is known to be much less effective than a multifaceted intervention. Furthermore CSOSA has been in the process of expanding their operation by hiring additional supervision officers, and enhancing their global Positioning System, which monitors high-risk domestic violence and sex offenders. Moreover, all of the programs of CSOSA ensure the safety and well being of the citizens of the District of Columbia. It is therefore imperative that their budget request is granted so that they can continue to do so.

In conclusion, I would like to thank the subcommittee for holding this important hearing. I ask that you approve the budget proposals submitted today. I commend Senators DeWine and Landrieu for their continued interest in the fate of our Nation's Capital. Their valuable support has sustained the functioning of our vital institutions. I would also like to applaud the witnesses from both agencies, who have constructed compelling testimony in justifying their budget requests. Finally, I would like to thank Regina Szymanska and Brian Rauer for their help in preparing this statement. I look forward to further hearings on this topic, and I'm happy to respond to any requests for additional information.

Senator DEWINE. Well, I think, this is going to be a very interesting hearing.

Our first witness is the Honorable Paul Quander, Jr., who is the Director of the Court Services and Offenders Supervision Agency, who was nominated by President George Bush on October 18, 2001 and confirmed by the Senate. Prior to his appointment, he served as Assistant United States Attorney in the District of Columbia and as Deputy Director for the District of Columbia Department of Corrections. We welcome him back.

And thank you very much, and you can proceed with a statement and then we will go to the videotape, then.

STATEMENT OF PAUL A. QUANDER, JR.

Mr. QUANDER. Thank you, and good morning.

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear today in support of the Court Services and Offender Supervision Agency's fiscal year 2005 budget request.

As you know, CSOSA's budget request includes the Pretrial Services Agency which, although a component of CSOSA, operates independently with a separate budget. The District of Columbia Public Defender Service also transmits its budget with CSOSA but is not a part of CSOSA.

CSOSA's fiscal year 2005 budget request totals \$187,490,000, an increase of 12 percent over fiscal year 2004. Of this, \$118,343,000 is for the Community Supervision Program; \$39,314,000 for the Pretrial Services Agency; and \$29,833,000 for the Public Defender Service.

At any given time, the Community Supervision Program supervises approximately 14,000 offenders on probation, parole, or supervised release. The Pretrial Services Agency supervises approximately 7,000 defendants pending trial and/or sentencing.

The Community Supervision Program's proposed budget represents a 13 percent increase over fiscal year 2004 funding. Of the \$14 million increase, approximately \$8.9 million is allocated to one new program initiative. This increase funds staffing and operating expenses for the first year of operations for our Reentry and Sanctions Center.

In fiscal year 2002, CSOSA received \$13 million in no-year funds to renovate Karrick Hall, an eight-story building on the grounds of D.C. General Hospital. This facility housed CSOSA's 21-bed Assessment and Orientation Center since 1996. The Assessment and Orientation Center provides 30 days of intensive clinical assessment, treatment readiness, and reintegration programming to high-risk defendants and offenders with serious drug abuse problems. Since its inception, over 80 percent of participants have completed the program, and arrest rates among program graduates decreased nearly 75 percent. Based on its demonstrated effectiveness, CSOSA will expand this program as the focal point of a Reentry and Sanctions Center.

At present, the Assessment and Orientation Center treats approximately 250 individuals per year. The 108-bed Reentry and Sanctions Center, once completed, will provide approximately 1,200 program slots annually.

This expansion will allow us to make the program available to women, develop a dedicated mental health unit, and open three additional men's units. In addition, the center will provide short-term residential interventions as a sanction for individuals who relapse.

CSOSA's program model emphasizes accountability. Our flexible system of intermediate sanctions enables us to balance our external controls with the offender's developing sense of internal self-control. We know, however, that external authority alone is not sufficient to increase the offender's sense of responsibility to self, family, and community. For that, he or she needs to establish permanent, personal connections to positive individuals and institutions. These connections are essential to long-term change.

Supervision occupies, at most, a few years of a person's life. During that time, the offender must develop the personal resources that will permanently support him or her.

In the District of Columbia, as elsewhere, faith institutions are a permanent source of guidance, fellowship, inspiration, and assistance. These institutions have long histories of helping the less fortunate and encouraging personal change. Therefore, faith institutions are a natural point at which to connect returning offenders with their communities.

In 2001, CSOSA and the City's clergy forged a partnership to develop mechanisms through which faith institutions could contribute to successful reentry. We chose mentoring as our first initiative to emphasize the value of personal relationships in this work. From the initial call to action in January 2002, to last month's Reentry Worship events, we have raised awareness and involved over 200 volunteers in our mentoring program.

Last year, we expanded the mentoring program to reach inmates at the Rivers Correctional Institution in North Carolina, which is a Bureau of Prisons contract facility housing over 1,000 D.C. offenders. Reverend Donald Isaac, the Chairman of the CSOSA Faith/Community Partnership Advisory Council will share the clergy's perspective on this initiative with the subcommittee.

As the faith initiative matures, we hope to demonstrate the public safety benefits of linking returning offenders with the community's natural support systems. We are in the initial stages of evaluating the program, but we have already seen the difference this intervention can make in individual lives.

This has been a year of great promise for CSOSA. We have continued to refine the tools we use to supervise offenders. This spring, we will implement an expanded automated screening instrument that combines risk scoring and needs assessment to generate a prescriptive supervision plan for each offender. We recently expanded our case management system to include automated treatment tracking. With the additional fiscal year 2004 funding supported by the subcommittee, CSP, Community Supervision Program, has begun hiring additional supervision officers to lower high-risk offender caseloads and expand our use of Global Positioning System monitoring on high-risk domestic violence and sex offenders.

The Pretrial Services Agency has made significant progress with implementation of a new program funded last year, the Mental Health Supervision Unit. This new unit provides comprehensive mental health assessments and links defendants with a range of mental health services provided by the City's Department of Mental Health.

During fiscal year 2003, Pretrial Services Agency also provided strong support to the D.C. Superior Court's implementation of its new East of the River Community Court. The shift from a traditional case processing orientation to a problem-solving system of supervision has been very labor-intensive for PSA, and the agency continues to explore ways to realign existing staff to lower general supervision caseloads.

Community supervision plays a vital role in keeping our city safe. It is the bridge that offenders must cross to move from bad choices to a better life. It is our job to make it both difficult and undesirable for the offender to reverse direction and travel backwards. Our supervision officers have an equal responsibility to encourage progress and address non-compliance and relapse.

Every time I visit one of our field units, I am reminded how difficult their job is. But every time I hear that an offender got a promotion at work or completed treatment, I am reminded how rewarding it can be. As more partners join us in this work, I believe our forward momentum will carry more and more offenders to the long-term success of living as productive, crime- and drug-free citizens.

PREPARED STATEMENT

We thank the subcommittee for its continued interest in, and support of, our initiatives. I will be pleased to answer any question you may have at this time.

[The statement follows:]

PREPARED STATEMENT OF PAUL A. QUANDER, JR.

Mr. Chairman and Members of the subcommittee, thank you for the opportunity to appear today in support of the Court Services and Offender Supervision Agency's fiscal year 2005 budget request. As you know, CSOSA's budget request includes the Pretrial Services Agency (PSA), which, although a component of CSOSA, operates independently with a separate budget. The District of Columbia Public Defender Service also transmits its budget with CSOSA's but is not part of CSOSA.

CSOSA's fiscal year 2005 budget request totals \$187,490,000, an increase of 12 percent over fiscal year 2004. Of this, \$118,343,000 is for the Community Supervision Program (CSP), \$39,314,000 for PSA, and \$29,833,000 for the Public Defender Service.

At any given time, CSP supervises approximately 14,000 offenders on probation, parole, or supervised release. PSA supervises approximately 7,000 defendants pending trial and/or sentencing.

CSP's proposed budget represents a 13 percent increase over fiscal year 2004 funding. Of the \$14 million increase, approximately \$8.9 million is allocated to one new program initiative. The increase funds staffing and operating expenses for the first year of operation for our Reentry and Sanctions Center.

In fiscal year 2002, CSOSA received \$13 million in no-year funds to renovate Karrick Hall, an eight-story building on the grounds of D.C. General Hospital. The facility has housed CSOSA's 21-bed Assessment and Orientation Center, or AOC, since 1996. The AOC provides 30 days of intensive clinical assessment, treatment readiness, and reintegration programming to high-risk defendants and offenders with serious drug abuse problems. The program has been extremely successful. Since its inception, over 80 percent of participants have completed the program, and arrest rates among program graduates were found to be nearly 75 percent lower than among offenders who did not receive this programming. Based on its demonstrated effectiveness, CSOSA decided to make this program the focal point of a Reentry and Sanctions Center that would serve a larger population. At present, the AOC treats approximately 250 individuals per year; the 108-bed Reentry and Sanctions Center will provide approximately 1,200 program slots annually.

This expansion will allow us to make programming based on the AOC model available to women, develop a dedicated unit for individuals with serious mental health issues, and open three additional units for male defendants and offenders. This type of intensive, structured, sanctions-based treatment is clearly effective, and we are very pleased that we will soon be able to expand its use.

We are also pleased that we will not need to interrupt the program during the renovations. We have procured an interim facility in Northwest Washington and are now completing the transfer of operations. The new space also allows us to increase overall capacity to 27 beds during the renovation period.

Developing the Reentry and Sanctions Center demonstrated the value and effectiveness of our community partnerships. We worked closely with the city during the Reservation 13 master planning process to identify the best location for the Center at this site. Once the decision to renovate Karrick Hall was finalized, we worked cooperatively with the city and neighborhood associations on our short-term occupancy of the interim facility. At each stage of the process, we kept our partners and neighbors informed of our intentions. The community has continually supported our presence and recognized our contribution to public safety.

CSOSA's Reentry and Sanctions Center will expand the range of program options available to our supervision officers. Most treatment professionals believe that relapse is part of recovery. A single treatment experience is rarely sufficient to enable long-term substance abusers to overcome their addiction. Most often, the road to recovery is fraught with obstacles and detours. The Reentry and Sanctions Center will provide not only the initial 30-day preparatory program, which increases the likelihood that subsequent treatment will be effective, but also short-term residential sanctions for individuals who relapse.

CSOSA's program model emphasizes accountability. Our flexible system of intermediate sanctions enables us to balance our external controls with the offender's developing sense of internal accountability. We know, however, that external authority alone is not sufficient to increase the offender's sense of responsibility to self, family, and community. For that, he or she needs to establish permanent, personal connections to positive individuals and institutions. These connections are essential to long-term change. Supervision occupies at most a few years of a person's life. During that time, the offender must develop the personal resources that will support a changed lifestyle.

In the District of Columbia, as elsewhere, faith institutions are a permanent source of guidance, fellowship, inspiration, and assistance. These institutions have long histories of helping the less fortunate and encouraging personal change. Therefore, faith institutions are a natural point at which to nurture connection between returning offenders and their communities.

In 2001, CSOSA and the city's clergy forged a partnership to raise awareness of the offenders' needs and develop mechanisms through which faith institutions could help to meet them. We chose mentoring as our first initiative to emphasize the value of personal relationships in this work. From the initial call to action in January 2002, to this year's Reentry Worship events early last month, we have raised awareness and involved over 200 volunteers in our mentoring program. Rev. Donald Isaac, the Chairman of the CSOSA Faith/Community Partnership Advisory Council, will share the clergy's perspective on this initiative with the subcommittee.

Last year, we expanded the mentoring program to reach inmates at the Rivers Correctional Institution in North Carolina, which is a Bureau of Prisons contract facility housing over 1,000 D.C. offenders. We will show a short video about the mentoring program and a clip of our video conference mentoring with Rivers at the conclusion of Rev. Isaac's statement.

As the faith initiative matures, we hope to demonstrate the public safety benefits of linking returning offenders with the community's natural support systems. We are in the initial stages of evaluating the program, but we have already seen the difference this intervention can make in individual lives. Mentors have helped their mentees get and keep jobs, maintain abstinence, find housing, and heal family relationships. A mentor cannot and should not replace the community supervision officer, but the mentor can help the offender to establish relationships that last far beyond the supervision term.

Beyond mentoring, the faith initiative makes available to offenders the support services offered by many churches and mosques. These services include job training programs, food and clothing banks, counseling and support groups, and family services. Through referral to faith-based services, CSOSA expands the range of support available to offenders.

This has been a year of great promise for CSOSA. We have continued to refine the tools we use to supervise offenders. This spring, we will implement an expanded automated screening instrument that combines risk scoring and needs assessment to generate a prescriptive supervision plan for each offender. We recently expanded our case management system to include automated treatment tracking. With the additional fiscal year 2004 funding supported by the subcommittee, CSP has begun hiring additional supervision officers to lower high-risk offender caseloads and expand our use of Global Positioning System monitoring on high-risk domestic violence and sex offenders. CSP and PSA also processed almost 4,000 treatment placements.

PSA has made significant progress with implementation of a new program funded last year, the mental health supervision unit. This new unit provides comprehensive mental health assessments and links defendants with a range of mental health services provided by the city's Department of Mental Health. We expect that this will greatly improve our ability to supervise defendants who manifest significant programmatic needs.

During fiscal year 2003, PSA also provided strong support to the D.C. Superior Court's implementation of its new East of the River Community Court. The shift from a traditional case processing orientation to a problem-solving system of supervision has been very labor-intensive for PSA, and the Agency continues to explore ways to realign existing staff to lower general supervision caseloads.

Community supervision plays a vital role in keeping our city safe. It is the bridge that offenders must cross to move from bad choices to a better life. It is our job to make it both difficult and undesirable for the offender to reverse direction and travel backwards. Our supervision officers have an equal responsibility to encourage progress and address non-compliance and relapse. Every time I visit one of our field units, I am reminded how difficult their job is. But every time I hear that an offender got a promotion or completed treatment, I am reminded how rewarding it can be. As more partners join us in this work, I believe our forward momentum will carry more and more offenders to the long-term success of living as productive, crime- and drug-free citizens.

We thank the subcommittee for its continued interest in, and support of, our initiatives. I will be pleased to answer any questions you may have at this time.

Senator DEWINE. Great. Thank you very much.
You have—why don't we go to your presentation?
Mr. QUANDER. Thank you, and with the—

Senator DEWINE. Then we will go to questions. You can, you know, bring up Reverend Isaac, now, or——

Mr. QUANDER. Actually, if I may——

Senator DEWINE. Or do you want——

Mr. QUANDER [continuing]. I would like to invite, with the Committee's permission, Paul Brennan, who is a supervisory community supervision officer and an individual who is intimately responsible for actually implementing and actually making sure that the Global Positioning System monitoring system is working.

DEMONSTRATION OF GPS MONITORING

Paul supervises one of our sex offender units, and these are the individuals who we want to make sure we have constant control and monitoring. So Paul has been instrumental in getting the system up and running, and he is the individual who is most familiar, and I would like to invite him to come forward and to just talk for a moment and explain what we have done and how we have done it.

Paul.

STATEMENT OF PAUL BRENNAN

Mr. BRENNAN. Good morning. First, I would like to make sure you have a handout that looks like this, to follow along.

Senator DEWINE. We do not.

Mr. BRENNAN. Well, let us look here.

Senator DEWINE. Yes. One. Okay. Very good. Okay.

Senator LANDRIEU. We have another one.

Senator DEWINE. We are in business.

Mr. BRENNAN. Great. What I am going to show you is just a brief clip of an offender—of a sex offender, high-risk sex offender released from prison. It is going to show his movements to a location that we later had to investigate——

Senator DEWINE. All right.

Mr. BRENNAN [continuing]. And I will talk about the findings of what we found out. What you will see on the screen is the offender at a bus stop that we identified. The green represents—the green dots represent the offender. The arrows will represent movement of the offender.

As you can see, the offender is around this bus stop here.

Senator DEWINE. Where does this show up, though, in the real world? I mean, it does not show up here in the Capitol on the screen. Where is it?

Mr. BRENNAN. It shows up on our computer screen that we can pull up from our office.

Senator DEWINE. And who monitors that?

Mr. BRENNAN. The supervising officers will monitor this on a daily basis.

Senator DEWINE. The officer for that particular individual or is there just somebody who monitors it in general?

Mr. BRENNAN. Each officer will be monitoring their offender's movements each day.

Senator DEWINE. Okay.

Mr. BRENNAN. They will be most intimately aware of what the issues are to look for.

Senator DEWINE. Okay.

Mr. BRENNAN. With this particular offender, he's a child molester and we want to keep him away from schools. He's not allowed to use the internet and so forth.

You see his movements as he comes into the City. He stops at this location. We lose GPS at this location. That typically means an offender has gone inside of a building. We know that this is G Street. We know that Martin Luther King Library is down here.

We brought the offender in and investigated why he was in this particular location, and from that investigation determined that he was using the internet at Martin Luther King Library which was a condition of his release that prohibited him from doing such. So from that, we were able to sanction the offender, put tighter restrictions on him.

I am going to show you another clip of the same offender who is at the halfway house. He goes to the same bus stop. Down at the bottom of the screen you can—in your handout you can see it clearer, the time, the date, and he travels down to Anacostia Metro Station. Now, he's on his way—he is permitted to leave the halfway house to go to a job program. The job program is not in this area.

So what caused us to be concerned is: Why is he going out of his way to go to this particular stop? What we notice are the red indicators here of schools. The time of day is between 7:00 a.m. and 8:00 a.m. So when kids are going to school, they may be taking that particular subway station.

As I play the movements, you can see that the offender is there for an extended—almost an hour, which is highly unusual, and you can see him loitering around the location. And this, right here, and that to us is suspicious. Why is he in that location?

In a minute you'll see him now getting on public transportation. We lose GPS. That means he is probably on a bus, and then he ends up in this location. He gets off the bus, and now he is walking to his program. You see a school here. And there is his program, right here. And it sees him stop. Now, here is the closest Metro. So, why was he at the Anacostia station? We later determined that he had gone there repeatedly. That was enough for us to take it back to the parole commission and revoke his parole.

Do we have time for one more clip?

Mr. QUANDER. Let me just make a point. We would never have known the travel pattern of this individual unless we had the monitoring system. What happened was once he went to the Anacostia station, the next morning when the supervising CSO took a look at his screen, the information automatically was there. So he could look at it, analyze it, and indicate—the indications were right there, that there were three schools, and we also saw that he was standing there for 1 hour.

And why does a sex offender get off at a subway stop which is not the closest one to where he is going and which is in close proximity to three schools? We were able to use this information to confront him with it and get him to acknowledge, No. 1, yes, he was there and, No. 2, he should not have been there. And then we could take the appropriate action.

The other thing that this allows us to do is when we present this to a releasing authority, whether it is the Superior Court or the

U.S. Parole Commission, it makes it very difficult for people to explain away. There is no longer an issue as to whether or not you were there. This technology proves it. There is not much that you can say. It is irrefutable, essentially, and allows us to keep control over a population that we are most concerned about. Okay.

Senator DEWINE. Good. No, that was great. Thank you, very much.

Mr. QUANDER. Okay. Thank you. Okay. Go ahead.

Mr. BRENNAN. The hardware is up here if you wanted to examine it. Also, in the green packets, there is a description of how it works and that is from the company. Feel free to review that.

Senator DEWINE. Sure. Go ahead.

Senator LANDRIEU. How expensive was this system to put in place and what is the annual cost of maintaining it? And I am not talking about the people that have to analyze it. I am just talking about the software and the general maintenance.

Mr. QUANDER. We are—we have a vendor, a contract with a vendor. Our costs are \$6 a day per unit that we have available to us. The committee appropriated \$100,000 for us to get the program up and operational. We would like to expand the use to get as many as 200 individuals on to the GPS system.

Senator LANDRIEU. Let us talk about the cost if we could, Mr. Chairman, for just a minute. This is the device that costs \$6 a day?

Mr. QUANDER. It is the whole system.

Senator LANDRIEU. It is the whole system?

Mr. QUANDER. Yes.

Senator LANDRIEU. And for \$6 a day you can monitor a felon—

Mr. QUANDER. Yes.

Senator LANDRIEU [continuing]. A person? And we have money to monitor how many?

Mr. QUANDER. Right now, we can monitor 100 individuals.

Senator LANDRIEU. And how many do we have?

Mr. QUANDER. Right now, there are nine that are actually on the program.

Senator LANDRIEU. No. How many offenders are we trying—what is our goal of trying to monitor, how many?

Mr. QUANDER. I am—I have funding to monitor 100. I would like to monitor 200.

Senator LANDRIEU. All right. How many—

Senator DEWINE. But how many—

Senator LANDRIEU [continuing]. Then would—

Senator DEWINE. Excuse me. How many are we actually monitoring right now?

Mr. QUANDER. Today, we have nine offenders on GPS.

Senator DEWINE. Why are we only at nine?

Mr. QUANDER. Because we are still in the pilot phase of the program—

Senator DEWINE. Okay.

Mr. QUANDER [continuing]. And we are evaluating. The other issues are: We have to train staff. Right now, most of the offenders are in the sex offense unit, and so Mr. Brennan, who supervises that unit, has received the training and the know how. The other thing, it is intensive as far as analyzing the material.

Senator DEWINE. Okay.

Mr. QUANDER. Once this information is provided, then the CSO has to sit down, has to analyze it, know the patterns, and then confront the individual and do the follow up. So, it is labor intensive. So, we have to be in a caseload ratio.

So, right now, although the sex offense caseload is about 29 to 1 as of January, this past January, the closer we get it down to those lower numbers, the more effective we can use this, make this tool.

Senator LANDRIEU. Let me try to re-ask my question, and I am very impressed with the technology and, believe me, I want to help you, and I can see the benefits of it. I can also see the—and understand the issue you just raised because we have talked about it before. But as good as the technology is, it is only as good as you can analyze it and have the people there to sit at the screen and to do the appropriate calculations and then take the time to follow up.

So I am clear, I am just trying to understand that this pilot, although it is good, it seems to me to be very, very small in the sense that we have, according to this, 500 sex offenders that are released on the streets and we are monitoring nine, nine people right now?

Mr. BRENNAN. We have actually hooked up over 50 in the course of the pilot.

Senator LANDRIEU. So 50 out of 500 of the sex offenders. And how many of the mental health—we have 666 mental health individuals that are described as mental health. Are we monitoring any of those?

Mr. QUANDER. None of the mental health population are on the GPS.

Senator LANDRIEU. How about domestic violence?

Mr. QUANDER. Well——

Senator LANDRIEU. We have 1,122?

Mr. QUANDER. During the course of the pilot phase, there have only been two, I believe, domestic violence individuals.

Senator LANDRIEU. This is a very small pilot, but it is very promising.

Mr. QUANDER. Yes.

Senator LANDRIEU. But the problem is: The resources are short and the staffing issues are substantial. But it seems like, is it the, I guess—I am going to finish up here in a minute.

But is it the code of consensus of the professionals that do this that this is a pretty extraordinary system if it can be funded and staffed appropriately? Because, as you said, I mean, I am sure everything is—nothing is foolproof, but this seems pretty convincing to me; that is, trying to monitor activities of people and trying to catch them before another terrible incident occurs. Is that your general sense?

Mr. QUANDER. It is, and——

Senator LANDRIEU. I am not trying to lead you to an answer. I just want to know what your feeling is, yes or no.

Mr. QUANDER. It is, and let me try to respond this way. Possibly 3 weeks ago we provided training to the Judges, the Criminal Division Judges in Superior Court, for what is involved in dealing with the sex offender, and a portion of that training dealt with the Global Positioning System, and we walked through it because we want-

ed to educate them so that they knew it was available so that they could use it.

Once we did that demonstration, the phone calls have been coming in. So there is a need. There is agreement in the community, the criminal justice community, that this works, that it is a tool that can better protect the public.

It is also a tool that helps us assist the offenders to be successful in their period of supervision. The more individuals that I can keep on the streets of the District of Columbia successfully complying with the rules, the better we are as a city, and the better their chances are for completing supervision successfully in taking advantage of all the other tools that we have available. This helps us to keep offenders accountable, and if we have them accountable, then we can do all the other things that we need to do to make that transition.

Senator DEWINE. The pilot program will run its course when?

Mr. QUANDER. Well, we have funding for this fiscal year, and we have funding for 100 for next fiscal year, but as I indicated, we are very interested in trying to expand, because I want to make it available to the CSO's who have individuals who are just on their regular caseload.

Senator DEWINE. When do you think you will move from the nine up to the next stage? I mean—

Mr. QUANDER. Actually, we are looking to do that by the end of May. There is some training that has to take place with the staff. There are some union issues that have to be overcome, but I am not anticipating any problems, because we are talking about a change in the way that we do business. So by the end of May we should be close to having 50 and by the end of the fiscal year, we will have a minimum of 100 people, I believe, on the Global Positioning System.

Senator DEWINE. What kind of union issues do you have?

Mr. QUANDER. Union issues are just that there is a change in the way that we are going to do business. This is going to require our staff to analyze material, to be familiar with patterns, to do things just a little differently. I am not anticipating any problems. In fact, I have a meeting with the union scheduled next week. They know where we are going. The staff is very receptive. They like it. It gives them an opportunity to do the work that they really want to do, and that is to make a change in individual's lives. The more tools that we can give the staff, the easier it is for them to do their job and the better the results.

Senator DEWINE. Good. Okay. Very good. What else do you have to show us here?

Mr. QUANDER. There is one additional slide if you would like to, Paul.

Senator DEWINE. Yes, I think we had better—I think we had better move to Reverend Isaac at this point.

Mr. QUANDER. Reverend Isaac?

Senator DEWINE. Reverend Isaac became the Director of the East of the River Clergy-Police-Community Partnership in 2001. This partnership was created to address issues associated with high-risk youth and the young adults who are at risk of being in the criminal justice system. Reverend Isaac also serves as the

Chairman of CSOSA's Faith Advisory Committee, and is a member of the Juvenile Justice Advisory Committee, and has served on the Board of Directors of the Thurgood Marshall Charter School.

Reverend ISAAC. Yes. Good morning.

Senator DEWINE. Reverend, thank you for joining us.

Reverend ISAAC. Thank you for having me.

Senator DEWINE. We appreciate it very much.

Reverend ISAAC. Thank you.

STATEMENT OF REVEREND DONALD ISAAC

Reverend ISAAC. Mr. Chairman and members of the committee, thank you for this opportunity to appear today to represent the partnership between the Court Services and Offender Supervision Agency and the District of Columbia faith community.

I am Reverend Donald Isaac, Executive Director of the East of the River Clergy-Police-Community Partnership and Associate Pastor of the Southeast Tabernacle Church. I am also Chairman of the CSOSA Faith/Community Partnership Advisory Council, and it is in that context that I come before you today.

Over the past few years, government has begun to understand and notice the extent to which the faith institutions contribute to community stability, family strength, and public safety. The executive order establishing the White House Office of Faith-Based and Community Programs states that, "Faith-based and other community organizations are indispensable in meeting the needs of poor Americans and distressed neighborhoods." As a minister in the District of Columbia, I see the truth of that statement every day.

I have dedicated my ministry to reversing the trend of escalating crime and violence amount our City's young people. Therefore, I am very interested—I was very interested when CSOSA issued the call in 2001 asking the City's clergy to establish a faith/community partnership that uses the power and resources of faith institutions to help offenders under community supervision.

From the very beginning, several aspects of CSOSA's approach to the faith/community partnership were encouraging. First, CSOSA represents—respects the autonomy and authority of faith institutions. Second, they acknowledge that our resources are limited, and that a partnership is a two-way street. They are willing to give something to get something. CSOSA put in place and funded a structure to support offenders' access to faith/community programs and services. And third, they value and respect all creeds and denominations.

CSOSA supports the efforts of our Advisory Committee—or Council to remain truly representative of the City's congregations. Our Advisory Council currently has 19 members drawn from the City's diverse Christian and Muslim congregations.

The Faith/Community Partnership chose mentoring as its first initiative because it allows individual volunteers and returning offenders to connect in an immediate and personal way. Relationships are the core of mentoring, but successful mentoring involves much more than conversation. It involves empathy and support. Mentors must be able to understand the obstacles and temptations their mentees face, the obligations of community supervision, and the opportunities they need to find.

CSOSA has developed and delivered mentor training that touches on most of these issues, but no classroom experience can prepare an individual for how hard the work is.

The initial 100 matches between mentors and mentees have yielded wonderful examples of that support. Shirley Hall was released from prison in October 2002 at the age of 39. When she joined us, she had a long history of drug use and incarceration. In fact, she was referred to us after having her parole revoked for drug use. She told us that she needed the support of other women to stay out. We placed her with Upper Room Baptist Church.

Reverend Catherine Bago, the associate pastor, has worked for many years with substance abuse and runs a well-regarded aftercare program. Shirley received a lot of support from the women's group at Upper Room, as well as from Reverend Bago personally. She has been drug-free since her release and is pursuing a long-term career as a commercial driver. She has managed to stay clean even though she has faced a lot of stress. Both her parents have been ill, and she started a job that did not work out. She may have relapsed, but she did not. She stayed strong and credits that success in part to the support she received from Upper Room.

Ms. Hall's case provides a good example, not just of the personal support mentoring provides, but of faith-based support services, as well. Ms. Hall's parole has had a special condition requiring substance abuse aftercare. Attendance at Reverend Bago's program has enabled her to satisfy that condition in a way that reinforced her connection to the faith community. Upper Room's program lasts as long as Ms. Hall wants to attend it. Ms. Hall has had access to a supportive women's group long after her parole has ended.

The District of Columbia faith institutions provide a wide range of support services, including job training and placement, family counseling, food and clothing banks, and transitional housing. We at the East of the River Clergy-Police-Community Partnership are proud of our recently developed housing facility, which was dedicated as part of this year's reentry activities.

ERPCP is also pleased to have been selected as a pilot program for the Ready4Work Program administered through the Department of Labor. This program will enable us to greatly expand our job readiness and placement activities over the next 3 years.

Another lead institution in the CSOSA Faith/Community Partnership, New Commandment Baptist Church, has received funds from the Department of Justice to expand its program, as well. Our involvement with CSOSA has prepared us for the challenge of administering broader initiatives and, in turn, the offenders under CSOSA supervision will benefit from an increased range of support programs.

The CSOSA Faith/Community Partnership has grown from a dozen ministers at a conference table to a City-wide initiative involving hundreds of individuals. We are beginning to attract the additional resources needed to expand the services that are essential to success. We have expanded mentoring to reach out to prisoners, to prison inmates before they return home. Because those early weeks are so critical, we want to make sure the inmate knows where to find us as soon as he gets off the bus.

All this adds up to a promising start. CSOSA is committed to working with us, and we are committed to providing permanent fellowship and support to any offender who wants it. We are in this for the long haul, and we hope that the resources will be available for us to make even more of our inspirations into realities.

CSOAS—excuse me. CSOSA reached out to us because they recognized the limitations of law enforcement. Community supervision lasts only a short time, while the faith community can be a source of permanent inspiration. Community supervision is a consequence of past behavior, but faith institutions can influence the course of future behavior. Community supervision is about external accountability, but faith is about internal change. As in any good marriage, the two partners in this enterprise complement each other.

PREPARED STATEMENT

I look forward to continuing our work with CSOSA, and I thank you again for this opportunity to tell you about it. I will be happy to answer any questions that you may have at this time.

[The statement follows:]

PREPARED STATEMENT OF REVEREND DONALD ISAAC

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¹ White House Office of the Press Secretary, “Executive Order: Establishment of the Office of Faith-Based and Community Initiatives,” January 29, 2001.

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I look forward to continuing our work with CSOSA, and I thank you again for this opportunity to tell you about it. I will be happy to answer any questions you may have at this time.

Senator DEWINE. Reverend, thank you very much.

Am I understanding that you have a video that shows some of the teleconferencing that goes on with some of the inmates? Can you show that for us?

Reverend ISAAC. Yes.

That is it.

Senator DEWINE. Good. That is very good. Now, who has the availability to access that? I saw that was a mentor there, or he was identified as. Family members have the ability to do that, as well, or—

Mr. QUANDER. Actually, we do; we invite the family members down, during certain portions of the video conferencing, so that we can establish that connection. Some of the men—what we are trying to emphasize are those pro-social values that the faith institutions have, and a part of that is that restructuring of that family or reconnection because some of those family bridges have been burned and the mentors and the faith community help us, oftentimes, reestablish and reconnect with those men, and the more that we can do that the more support that we have, the more assistance that the CSO has in making sure that offenders are being held accountable, and at the same time that those services and support mechanisms are in place.

So the family members do come down, including the children, so that they can reestablish those connections with their fathers.

Senator DEWINE. Senator Landrieu.

Senator LANDRIEU. Let me pursue that line of questioning about trying to keep convicted felons connected to their families, re-strengthening the families where possible.

With the women prisoners—I understand that we have quite a challenge with all the prisoners, but particularly with women, many of whom are mothers, as many of the men would be fathers. But I understand that the majority of women are placed either in West Virginia or Connecticut?

Mr. QUANDER. That is correct.

Senator LANDRIEU. And how many miles away are those facilities, Alderson and Danbury?

Mr. QUANDER. I am not sure, but I believe that Alderson is within 500 miles of the District, but I also believe that it is probably a 6- or 7-hour drive there. Danbury is going to be an 8-hour drive, I believe.

Senator LANDRIEU. Okay.

Mr. QUANDER. So it is a significant distance that families often have to travel so that they can stay connected. One of the things that we are working with, just as we have established this video conference with Rivers in North Carolina, we are working with the Bureau of Prisons and with other organizations and the faith group to establish a similar link either at Alderson or at Danbury. So that we can start the same process and, hopefully, we can strengthen what we are doing and strengthen those families through this teleconferencing capability.

Senator LANDRIEU. And I am just focused on the number here. I have about 12 percent of the population that we are talking about is female, about 8,000 in jail. So, roughly, that would be a little over 800, maybe 1,000 female individuals, if my math is correct. Eight thousand in jail, 12 percent female, does that match with what you all—approximately, 1,000?

Mr. QUANDER. I think it is going to be a little less than 1,000 female offenders—

Senator LANDRIEU. Okay. Eight hundred?

Mr. QUANDER [continuing]. Through a—

Senator LANDRIEU. Eight hundred, maybe? Somewhere—am I right, between about 700 and 1,000? Is that safe?

Mr. QUANDER. I believe that would be accurate. Yes.

Senator LANDRIEU. Okay.

Mr. QUANDER. But the Bureau of Prisons would have the best stats, the best information.

Senator LANDRIEU. Okay. If there is 700, Mr. Chairman, to 1,000, I am wondering what kind of other options there are for the teleconferencing opportunities, whether they are, you know, once a week, once a month, once a quarter, with family members, or trying to get some of those inmates closer to the community. I think there are a couple of components here.

I mean one is trying not to just reunite them with the community, but reunite them with the families which is part of the community which is important, trying to keep those bonds from fraying in the first place, as well as, the professional supervision, so it all works together in an integrated way.

And, Mr. Chairman, I think we have quite a challenge, A, to try to keep these inmates closer, physically, but also use this technology when the physical location is impossible to really make that connection. Now, what is limiting us? Is it—again, is it the cost of the software? Is it the—what are the limitations so that this is not being available to all, let us say, 700 or 800 women, now?

Mr. QUANDER. One of the issues is that the women are not located in one facility. They are spread throughout the country. Alderson, I believe, houses the largest number of female offenders, D.C. co-defenders. And, I believe, that number is going to be—actually that is, as I understand it, there are 67 women in Alderson facility. There is, I believe, a lesser number in the facility in Massachusetts—in Connecticut.

All total from the Bureau of Prisons, I understand, is approximately less than 300 females that are housed in Bureau of Prisons' facilities throughout the country, but they are spread throughout the country. And so, thus, one of the limitations is that we do not have them in one or two central locations. Those two central locations are Alderson and Danbury. And so that is why we are focusing on that.

We have actually had meetings with the Bureau of Prisons, and the Bureau is receptive. They see the benefit. The wardens and the support staff in those facilities see the benefit of doing this. We are just in the process of trying to make it happen. We are the agency that actually receives the individuals once they have left the prison. What we want to do is sort of extend our reach to get them before they have come to us, because we think there are some services that we can provide that will help them with that transition, and the faith community has been very supportive, and we think we are there.

Senator LANDRIEU. Well, the final thing I will say on that, I think the Chairman and I would be more than happy to help you with the Bureau of Prisons to try and develop a stronger partnership as people are getting close to their release time, to move them closer to the community, physically, and then connect them via as much, you know, using some of this new technology as possible, not just for the women but for the men.

But, I think, particularly in terms of many of these women who are the primary caretakers of the children, we want those relationships to be maintained as much as possible. So that is all I will

say, Mr. Chairman. But any ideas you have, please let us know and we will work with you on that.

Mr. QUANDER. Thank you. One of the things that we have discussed with the Bureau is designating those two facilities and the Rivers facility, essentially, as a feeder site; as individuals get closer to their release date, using those facilities so that we can have a critical mass, and if we have a critical mass at these facilities, then we can continue to use those services.

If the facility is Alderson or Danbury, that is fine. And the Bureau has indicated its willingness to work with us to, maybe, sort of, funnel individuals in that direction, so that if we can get them there, then we can start establishing some of the services that, I think, we can provide.

STATUS OF REENTRY AND SANCTIONS CENTER

Senator DEWINE. Mr. Quander, I just have one question. In your written statement and your oral statement, you talked about the Reentry and Sanctions Center.

Mr. QUANDER. Yes.

Senator DEWINE. I am unclear how far along that is as far as capacity. You say, "At present, the AOC treats approximately 250 individuals per year. The 108-bed Reentry and Sanctions Center will provide, approximately, 1,200 program slots annually." So are you totally up and running or—I do not quite understand that.

Mr. QUANDER. No. Where we are—

Senator DEWINE. This and that.

Mr. QUANDER. Okay. Where we are, Senator, is that we have a facility which is on the grounds of D.C. General Hospital, Karrick Hall, which is—we have to renovate, essentially gut, put new heating, air conditioning. I mean, we have to go in. This committee appropriated \$13 million—

Senator DEWINE. In 2002, right? Which one—

Mr. QUANDER. Yes. But we had to negotiate with the city. We had to bring the community in. There were a lot of issues that needed to be resolved before we could actually enter into the lease agreement, which took us a while to get.

Senator DEWINE. So where is that construction? Where is that?

Mr. QUANDER. Actually, all the paperwork is done. We had 21 men that were in the facility. They have been relocated to swing space, which is in the community. Construction is beginning. We are anticipating having the facility ready for operation, hopefully, in May of 2005. We will be able to expand that population in our facility so that we can house women there, so that we can house a mental health unit and four units for men, which will really increase our capacity to provide the type of service that we need. And with this group, this is the group of that core 30 percent of long-term substance abusers with at least six prior contacts. These are the individuals who, we believe, are doing most of the damage in our city. If we can get their substance abuse problems under control—

Senator DEWINE. So you will be rolling by May of next year, then?

Mr. QUANDER. That is what we are anticipating, having the facility and going in and rolling. Yes.

Senator DEWINE. And what does that do then to your operating budget when you hit that level?

Mr. QUANDER. Well, right now, we are funded—we have partial year funding for that, that will take us through fiscal year of 2005. And fiscal year 2006, there is going to be a substantial increase that we are going to need to continue the operation.

Senator DEWINE. Are you covered in this proposed budget then?

Mr. QUANDER. Yes, for 2005.

Senator DEWINE. That would be a partial year, then?

Mr. QUANDER. A partial year, that is correct.

Senator DEWINE. And you are covered in the President's budget for that?

Mr. QUANDER. Yes, for the partial operations.

Senator DEWINE. Because you are going to be substantially up—I mean, once you move into that facility, it is like you are moving into any new facility, your costs just kind of go up, is that right?

Mr. QUANDER. That is correct. So for the partial year 2005, I believe, we are covered. The issue will be in fiscal year 2006, when we go to full-year funding for the program.

Senator DEWINE. Let me ask one last question and then we will move to our next panel: This committee has worked with you to take down the ratio when you are dealing with sex offenders and other special population offenders, but from your budget submission, it appears that your general population—you are at a ratio of 1 to 125. That sounds high. How does that compare to other jurisdictions?

Mr. QUANDER. No, actually, our general population—our general supervision numbers are about 50 to 1. What you may be referring to—

Senator DEWINE. Maybe I misread that.

PRETRIAL CASELOADS

Mr. QUANDER. But I would like to speak to that just for one moment, because that is the ratio of the general supervision in the pretrial services area for those individuals who have not been adjudicated or convicted.

Senator DEWINE. Pretrial?

Mr. QUANDER. Pretrial.

Senator DEWINE. Okay.

Mr. QUANDER. That ratio is extremely high, as you noted. It is about 127 to 1. I believe—

Senator DEWINE. How does that compare to other jurisdictions, pretrial service—

Mr. QUANDER. In the—

Senator DEWINE [continuing]. Comparing apples to apples, then?

Mr. QUANDER. It is difficult to compare because the District is unique. If you look at Federal pretrial in surrounding jurisdictions, Northern Virginia and in Maryland, those numbers are in the range of about 60 to 1. What we have requested is an area that will get us down to 80 to 1. It is—

Senator DEWINE. How about State pretrial?

Mr. QUANDER. State pretrial, there are not any standard numbers that we have been able to really pull together, but we do know that 127 to 1 is—that does not allow us to do anything but just to

process the paperwork. If we are going to do the type of supervision that we need, our numbers in that area have to come down, and they have to come down dramatically.

Senator DEWINE. So these—just so I understand, these would be the felons, misdemeanors, what are they? Who are they?

Mr. QUANDER. On the pretrial side?

Senator DEWINE. Yes, right, that is what we are talking about.

Mr. QUANDER. It would be felons and misdemeanors—

Senator DEWINE. Mostly a—

Mr. QUANDER [continuing]. But mostly felons.

Senator DEWINE [continuing]. Mixed group.

Mr. QUANDER. Yes, but mainly felons that are in there and then—

Senator DEWINE. Mainly felons?

Mr. QUANDER. That is correct.

Senator DEWINE. Okay. Pretrial, mainly felons, 125 to 1. Yes, that does sound high.

Mr. QUANDER. It is.

Senator DEWINE. We all agree it is high, right?

Mr. QUANDER. Yes, we do.

Senator DEWINE. We agree it is a problem?

Mr. QUANDER. We believe it is a potential problem. Yes.

Senator DEWINE. So, really—I mean, we are using nice words here, but we are not doing much.

Mr. QUANDER. We are only—

Senator DEWINE. We are watching them on paper?

Mr. QUANDER. We are processing—

Senator DEWINE. Processing paper, but that is about all we are doing, is it not?

Mr. QUANDER. I like to go out, and I like to talk to the people that are really do the work, and I went out recently and spoke with a pretrial services officer and she said, “Mr. Quander, all I am doing is processing paper.”

Senator DEWINE. Well, if they mess up, we know it maybe.

Mr. QUANDER. Exactly. And she indicated that she—

Senator DEWINE. If the police pick them up again, we know it, but that is about it.

Mr. QUANDER. And she said she wants to do more, but she cannot with the caseload with the way that it is.

ADDITIONAL COMMITTEE QUESTIONS

Senator DEWINE. I see it. Okay. So we have got a problem. Okay. All right. Thank you all very much.

Mr. QUANDER. Thank you.

[The following questions were not asked at the hearing, but were submitted to the Agency for response subsequent to the hearing:]

QUESTIONS SUBMITTED BY SENATOR MIKE DEWINE

COMMUNITY SUPERVISION PROGRAM

Question. What are the key performance goals and measures used to manage CSOSA's offender supervision program?

Answer. CSOSA's Community Supervision Program (CSP) has adopted improvement in public safety as its most important outcome. While many factors influence public safety, CSP can contribute to it by reducing recidivism among the population

under supervision. Both new convictions and revocations that result in loss of liberty contribute to the overall recidivism rate.

The achievement of this long-term outcome depends on CSP's success in changing the offender's behavior and assisting him or her in establishing a stable, crime-free lifestyle. It is necessary to confront the problems most often at the root of criminal behavior as well as to enforce conditions of release. CSP targets five key intermediate outcome areas for its offender population that must first be addressed to improve public safety:

- Decrease Rearrest.*—The rate of rearrest is one indicator of potential criminal activity among the supervised population. Effective supervision and sanctions should result in a decreased rearrest rate among the offenders under supervision.
- Decrease Technical Violations.*—Offenders violate the conditions of their release by using drugs, changing residence or traveling without permission, failing to complete treatment, and other behaviors. Such “technical” violations often precede more serious criminal behavior. CSP has therefore targeted a reduction in the percentage of offenders who accumulate multiple technical violations as an important measure of whether its sanctions-based supervision model is effective.
- Decrease Drug Use.*—Substance abusers must make progress toward reducing their drug use. CSP tracks changes in substance abuse using drug testing. The measurement of drug use (as measured by positive test results) will reflect the effectiveness of the Agency's testing policy and sanctions for positive tests. Positive drug test results among offenders who have received treatment will be the primary method for assessing the effectiveness of treatment interventions.
- Increase Job Retention.*—CSP works with its partners in the community to develop employment opportunities for offenders under supervision. Because of data availability concerns, initial targets focused on the rate of employment among its offenders. However, with the deployment of a new information system, CSP has modified the measure to focus on the offender's ability to maintain employment. This new measure allows for job change and periods of training but not for long periods of unemployment.
- Increase Education Levels.*—An offender's chances of success improve markedly if he or she functions at a higher educational level. CSP has implemented a system of learning labs to provide educational programming. The objective is to enroll offenders needing assistance in a GED or adult literacy program and to measure progress throughout participation.

Progress toward the intermediate outcomes is directly related to achievement of the long-term outcome of increasing public safety in the District of Columbia. If offenders are held accountable for their actions and improve the factors that contribute to personal and economic success, they are less likely to recidivate. In that way, achievement of the intermediate outcomes results in the long-term outcome of reduced recidivism.

Critical Success Factors (CSF's)

CSOSA established the following four Critical Success Factors (CSF's) as our primary operational strategies. The CSF's define the core day-to-day activities within community supervision. Without successful performance of these activities, it would be impossible to make progress toward the Agency's intermediate- and long-term outcomes.

- Risk and Needs Assessment.*—Establish and implement (a) an effective risk and needs assessment and case management process, including regular drug testing, to help officials determine whom it is appropriate to release and at what level of supervision, including identification of required treatment and support services, and (b) an ongoing evaluation process that assesses an offender's compliance with release conditions and progress in reforming behavior so that further interventions can be implemented if needed;
- Close Supervision.*—Provide close supervision of offenders, including immediate graduated sanctions for violations of release conditions and incentives for compliance;
- Treatment and Support Services.*—Provide appropriate treatment and support services, as determined by the needs assessment, to assist offenders in reintegrating into the community; and
- Partnerships.*—Establish partnerships with other criminal justice agencies, faith institutions, and community organizations in order to facilitate close supervision of the offender in the community and to leverage the diverse resources of local law enforcement, human service agencies, and other local community groups.

The CSF's define interdependent processes that, taken as a whole, determine long-term outcomes. Risk and needs assessment continually inform how offenders are supervised and which services they receive. Through partnerships with the community and other criminal justice agencies, CSP develops service capacity and improves its supervision practices.

CSP has also put in place a system of output-oriented performance measures to track specific operational activities related to each CSF. Most of these activities are defined within Agency policies. Therefore, the specific performance measures track whether we are in fact implementing our program model.

Question. How does CSP classify offenders to enable close supervision of those offenders who are high risk for committing serious or violent crimes?

Answer. To classify offenders into an appropriate level of supervision, CSP uses a screening instrument that is automated and fully integrated within its information system, SMART (Supervision and Management Automated Records Tracking). The screener is administered by the Community Supervision Officer (CSO) and reviewed by the Supervisory Community Supervision Officer (SCSO). Based on answers provided in the screener, a score is calculated for the offender's risk. The score, in combination with the SCSO's and CSO's assessment, is used to recommend the offender's classification to an appropriate supervision level (Intensive, Maximum, Medium, or Minimum). Although the recommendation is generated automatically, it can be overridden by the CSO with supervisory approval. Close supervision is provided to offenders who are in an Intensive or Maximum level of supervision.

The current version of the screener focuses primarily on risk level and does not incorporate other factors which, when addressed through programmatic interventions, can affect recidivism (see Andrews, Bonta, & Hoge, 1990; and Andrews, Zinger, Hoge, Bonta, Gendreau, & Cullen, 1990). "Principles of Effective Intervention," developed by several prominent Canadian researchers (also known as the Canadian Model), recommends the use of a comprehensive risk and needs assessment to determine the offender's risk of recidivism. This comprehensive assessment includes factors such as:

- Criminal associates;
- Criminal attitudes;
- Antisocial personality patterns;
- Family functioning;
- School/work;
- Substance abuse; and
- Use of leisure time.

CSP has redesigned and broadened its screener instrument to incorporate the Canadian Model. This new assessment instrument will also be fully automated within SMART and will not only recommend a level of supervision but also will generate a recommended prescriptive supervision plan. This plan will present realistic goals and objectives for the offender, define appropriate intervention strategies, and track the offender's progress. The new screener will enhance and standardize the case planning process and will ensure that all offenders are appropriately classified, supervised, and placed in programming. It is expected that the new screener will become operational by the early summer of 2004.

SUPERVISION STRATEGIES

Question. What techniques are used to monitor the offenders, particularly those who are high risk?

Answer. CSP's supervision strategy emphasizes both risk management (minimizing the likelihood of reoffense) and cost avoidance (minimizing the circumstances in which reincarceration is necessary to contain the offender's non-compliant behavior). Both strategies are achieved through appropriate classification and programmatic placements, as well as the use of graduated sanctions to address non-compliance.

Several practices have been implemented to closely monitor high risk offenders. These practices include the use of:

- electronic monitoring;
- supervisory reprimands;
- increased office reporting;
- accountability tours;
- halfway house placements;
- halfway back; and
- GPS monitoring (pilot) for high risk offenders.

These practices are employed within the context of the offender's individual case plan and Agency operating policies. There is no effective "one-size-fits-all" approach

to community supervision. Each offender is a unique individual requiring a unique set of programmatic interventions and behavioral controls. The Agency has developed a comprehensive array of tools that the Community Supervision Officer can deploy in the formulation and execution of the case plan.

Although the Agency has made impressive strides in the full implementation of its supervision strategy, not all elements are fully operational. For example, the revised auto screener is being tested prior to full implementation, and the planned Re-entry and Sanctions Center will increase the range of intermediate sanctions available to CSO's. The GPS monitoring program will also be expanded to become a permanent option for supervising high-risk offenders. With the full implementation of the remaining elements of the Agency's strategy, baseline data will be captured from which the Agency will be able to set strategic benchmarks and initiate longitudinal studies to access the strategy's effectiveness.

Question. How many offenders entered CSOSA supervision in fiscal year 2003? How many departed after successfully completing terms of community supervision? How many offenders did CSOSA supervise over the course of a year?

Answer. CSOSA provided supervision to 21,603 individuals in fiscal year 2003. The flow of intakes and case closures is summarized in the following table.

Type of Case	Intakes	Satisfactory Closures ¹	
		Expiration	Termination
Probation	6,025	1,728	438
Parole	1,943	394	14
Supervised Release	55	19	.....
Civil Protection Order	440	174	7
Deferred Sentence Agreement	287	74	4
TOTAL	8,750	2,389	762

¹ A case may be closed satisfactorily either through expiration of the supervision term, or early termination due to the releasing authority's decision to discontinue supervision (generally as a result of the offender's exceptional compliance).

Question. What is the average length of supervision for probationers and parolees?

Answer. The average length of probation is 20 months, and of parole, 5 years (60 months).

Question. Describe CSOSA's use of intermediate sanctions on offenders.

Answer. Intermediate sanctions represent forms of punishment, less restrictive than incarceration, that are intended to provide a range of correctional options that vary in severity, according to the offenders' non-compliant behavior, and are related to the offender's level of risk and needs. Intermediate sanctions are designed to both hold offenders accountable for their actions and to deter them from engaging in criminal activity. These sanctions are best supported when integrated with treatment and intervention programs focused on the offender's needs, such as substance abuse, employment, and other issues that may contribute to the likelihood of re-offense. By using intermediate sanctions, CSOSA tries to change the offender's maladaptive, non-compliant behavior and to increase the likelihood that the offender will achieve successful reintegration into the community.

Successful use of intermediate sanctions requires close supervision, good documentation, well-informed collaboration, sufficient resources, and a clear understanding between CSOSA staff and the offender. The most notable tool CSOSA uses to impose intermediate sanctions is the offender accountability contract, which reflects widely accepted "best practices" in offender supervision.

A critical factor in CSOSA's strategy to reduce crime and the rate of recidivism is its ability to introduce an accountability structure into the supervision process and to provide swift responses to non-compliant behavior. According to CSOSA policy, offenders under community supervision must enter into an accountability contract within 25 working days of the case assignment. By signing this document, the offender acknowledges his or her responsibilities under probation, parole or supervised releases as granted by the D.C. Superior Court or the United States Parole Commission. The accountability contract clearly informs the offender of the consequences of non-compliance with the rules and regulations of community supervision. The offender acknowledges that he/she understands which behaviors will lead to intermediate sanctions and which behaviors will result in the request of a hearing before the releasing authority and possible reincarceration.

According to Agency policy, there are substance abuse violations and other non-criminal "technical violations" that warrant the imposition of different intermediate sanctions. If the CSO has reason to believe the offender is in violation of the general or special conditions of the offender's release, intermediate sanctions are imposed

to address the non-compliant behavior. Sanctions available for the CSO to use include:

- Daily check-in with the supervision officer for a specified period of time;
- Attendance at a group activity for a specified period of time;
- Increased drug testing;
- Increased face-to-face appointments with the supervision officer;
- Electronic monitoring for a specified period of time;
- Community service for a specified number of hours;
- Placement in a residential sanctions facility or residential treatment facility for a specified period of time; and/or
- Travel restrictions.

The use of these intermediate sanctions not only serves to hold offenders accountable and assist in changing their non-compliant behaviors, but also assists the Agency in achieving its mission of increasing public safety and reducing recidivism.

Question. Describe CSOSA's experience in reporting offender violations to the releasing authorities.

Answer. On a regular and consistent basis, CSS staff meet with administrative staff of the United States Parole Commission (USPC) and the Administrative Judges of the Superior Court for the District of Columbia to discuss issues of mutual concern. With regards to the USPC, agreements have been reached on the types of cases that will require the immediate issuance of a retake warrant by the USPC (i.e., subsequent offender felony arrest involving a victim). For all cases in which the Agency has deemed the offender to be an imminent danger to public safety, the USPC has agreed to the faxing of violation reports to their office. These emergency violation reports receive the highest priority for review and consideration by the USPC staff for presentation to a Commissioner. Our experience generally has been that the USPC is very responsive to the Agency with both the request for an emergency warrant and the violation reports that are processed on a non-emergency basis.

With regards to the Judiciary, staff must request in the violation report that a show cause (violation) hearing be scheduled. Our experience is that the Judiciary usually does not issue bench warrants based solely on the request of staff. Once a violation report is submitted, a violation hearing is scheduled based on the Judge's calendar (schedule) and can take from 30 to 60 days to be held. Once a violation hearing is scheduled, the Court notifies the offender and his/her attorney by mail of the scheduled date for the violation hearing. If the offender fails to report to the violation hearing on the scheduled date, the Judge will immediately issue a bench warrant for the offender's arrest. In cases where CSOSA staff are concerned that the offender poses a significant public safety risk, staff can request an expedited violation hearing from the Judiciary. On rare occasions, the Judge may issue a bench warrant, prior to a hearing, if the risk is deemed imminent. In instances of an expedited violation hearing, the hearing is usually set within a two-week timeframe. It has been our experience that the Judiciary honors CSOSA staff's request for a show cause hearing.

Question. What is the rearrest rate for offenders under CSOSA supervision? How has that rate changed in the past year?

Answer. In fiscal year 2003, the overall rearrest rate was 15 percent (13 percent for probationers and 17 percent for parolees). The fiscal year 2002 arrest rate was 18 percent (21 percent for probationers and 13 percent for parolees).

REENTRY STRATEGY

Question. CSOSA has been working with various stakeholders to craft a Citywide Offender Reentry Strategy. Please describe the process and the status of implementation.

Answer. Between December 2001 and April 2002, a group of community advocates, community-based service providers, and government agency representatives worked together to craft a comprehensive reentry strategy for adult offenders returning from incarceration to the District of Columbia. The primary participants in this process included:

- Court Services and Offender Supervision Agency (CSOSA),
- Office of the Deputy Mayor for Public Safety and Justice (DMPSJ),
- Office of the Corrections Trustee,
- D.C. Prisoners Legal Services Project,
- D.C. Department of Corrections (DCDC),
- D.C. Department of Mental Health (DMH), and
- Federal Bureau of Prisons (BOP).

The goal of the “Comprehensive Reentry Strategy for Adults in the District of Columbia”, which was completed in June 2003, is to provide a detailed, long-range plan for an effective continuum of reentry services for D.C. offenders during incarceration, transition from incarceration to the community, and life in the community during and after supervision. In addition, the strategy proposes an agenda for reentry service provider quality assurance, community education about the relationship between public safety and effective reentry, and legislative priorities.

The core of the strategy is the development of an assessment-driven reentry plan tailored to each offender’s needs, strengths, and aspirations. The plan should remain with an offender through the three phases of reentry: institutionally based programs, transitional services, and community reintegration.

In September 2003, five workgroups led by respected leaders from criminal justice system agencies and community-based organizations completed an Action Plan that sets an implementation timeline for the strategy. The strategy establishes ambitious goals for all parties involved, emphasizing that reentry services should be available to all offenders returning from some form of incarceration (jail or prison) to the community.

Implementation requires coordination among Federal agencies involved in the local criminal justice system, local agencies, and community-based organizations. Improved pre-release planning provides represents the cornerstone process to build an effective, integrate reentry system. Pre-release planning begins with the functional assessment of the risk factors that define the intensity supervision if the offender leaves incarceration to parole or supervised release. The functional assessment also identifies needs that require intervention if an individual’s risk factors are to be reduced in order to promote improved public safety.

Implementation of the strategy involves broad participation by local, Federal, and non-profit agencies. The city will take a major step toward implementation this spring by opening the One Stop Reentry Service Center, which will provide subsidized job training and wrap-around support services to an initial cohort of 165 adult offenders and 40 juvenile offenders. Initial funding for the pilot year of the Service Center’s operations will be provided through a Department of Justice grant. The Mayor plans to include in his fiscal year 2006 budget a request for operating funds to sustain and expand the center.

Question. What are the most critical needs of offenders under supervision? How are those needs being addressed, both by CSOSA and by the District of Columbia?

Answer. Most offenders enter supervision with needs in the areas of employment/education and substance abuse. Over 50 percent of the offender population is unemployed, and about 60 percent tested positive for drug use at least once during fiscal year 2003. Approximately 4,100 offenders tested positive two or more times for PCP, heroin, or cocaine in fiscal year 2003. Mental health issues may accompany and exacerbate these problems.

Housing is also a critical need for many offenders. Often, the combination of unemployment and substance abuse leads to residential instability. The offender may leave prison with nowhere to go or may lose his or her residence due to drug use or financial issues. Underlying all these issues is the offender’s need to develop healthy social relationships and to learn how to manage his or her time.

The following table summarizes CSOSA’s activities in each area of need and the District of Columbia agency responsible for each type of need. The table is adapted from the “Citywide Reentry Strategy”.

Area of Need	CSOSA Activity	Responsibility of City Agencies
SUBSTANCE USE/HISTORY	<p>Assess offender’s addiction severity</p> <p>Place offender in the appropriate substance abuse treatment program (current appropriation allows for CSOSA to meet 16 percent of the population’s addiction treatment need).</p> <p>Place offender in drug testing requirements.</p> <p>Enforce violations of behavioral contract.</p>	<p>Addiction Prevention and Recovery Administration—(service capacity needs to expand to address the remaining needs of the offender population).</p>

Area of Need	CSOSA Activity	Responsibility of City Agencies
EDUCATION/LEARNING DISABILITIES	Conduct a Test of Adult Basic Education to assess the educational functioning level of individual offenders. Provide adult basic education programming at one of four learning labs staffed by CSOSA learning lab specialists.	State Education Office in collaboration with the University of District of Columbia (service capacity needs to expand to address the remaining needs of the offender population).
EMPLOYMENT	Conduct a Test of Adult Basic Education. Assess offender's vocational aptitude and job skills. Assist offender in job search if he or she has employment history, an 8th grade reading level or better, and marketable job skills. Provide or make referrals to city agencies for adult basic education services or referrals.	D.C. Department of Employment Services—Plans are in place to utilize Serious and Violent Offender Reentry Initiative funds to provide Life Skills, Job Training, and Placement services to approximately 150–200 offenders (additional employment training and placement service capacity is needed).
HOUSING	Counsel offender to seek a healthy residential environment; encourage offender to move, if necessary. Maintain listings of transitional housing options available through non-profit and faith community and refer as necessary.	(Service capacity needs to expand to address the remaining needs of the offender population).
MENTAL HEALTH	Refer offender to CSOSA contract psychologist for mental health screening to determine need for more in-depth psychological evaluation and treatment. Place offenders with diagnosed mental health disorder or Offender conforms to the norms of daily functioning, dress, appearance and behavior.	Mental Health Psychological Evaluation—D.C. Department of Mental Health. Counseling, community-based support services for offenders with diagnosed mental health disorders—D.C. Department of Mental Health.
PHYSICAL HEALTH/DISABILITY	Refer to D.C. Department of Health	D.C. Department of Health—Primary Healthcare at neighborhood health clinics operated by the D.C. Health and Hospital Public Benefit Corporation.
LEISURE TIME/SOCIAL RELATIONSHIPS ...	Counsel offender to develop pro-social hobbies and interests. If eligible, refer for Faith Community Partnership services, including mentoring.	(Service capacity needs to expand to address the remaining needs of the offender population).

Question. Supply the Committee with a description of CSOSA's faith-based initiative, including the number of offenders who have participated in the initiative and any accomplishments to date. Are faith-based institutions also providing services to meet offenders' needs?

Answer. CSOSA's faith-based initiative is a collaboration between the Agency and the District of Columbia's faith institutions. The initiative focuses on developing mechanisms through which offenders on supervision can establish permanent connections with the community's positive, pro-social institutions. Crime is inextricably linked to the individual's alienation from mainstream values. By overcoming that alienation, the faith community can help the offender replace negative associations and attitudes with positive contact and messages. Furthermore, the faith institution can address issues of personal accountability and change that are beyond the scope of community supervision. The church or temple cannot (and should not) replace law enforcement, but it can provide a permanent source of positive contact and moral guidance. The Community Supervision Officer represents external accountability by enforcing release conditions; the faith institution represents internal accountability by stressing spiritual growth. In addition, CSOSA recognized from the initiative's inception that the District's faith institutions provide many practical support services, such as tutoring, job training, food and clothing banks, personal and family

counseling, and substance abuse aftercare. CSOSA wanted to “tap into” this important source of community-based programming in order to expand the range of support services available to offenders.

The faith initiative's governing body is the CSOSA/Faith Community Partnership Advisory Council. Established in 2001, the Advisory Council membership represents a range of denominations; efforts are currently underway to broaden both the membership of the Council and its representational diversity.

Late in 2001, CSOSA and the Advisory Council chose mentoring as the initial focus of the initiative to connect faith institution volunteers with offenders returning to the community from prison. A successful outreach event was held in January 2002, in which faith institutions across the city addressed the issue of reentry and issued a call for volunteers. Over 400 people attended our initial mentor information meeting in February 2002. Since then, the “Reentry Worship” event has become an annual citywide occurrence.

CSOSA and the Advisory Council then established a structure through which the mentor program could be coordinated and faith institutions could provide services to offenders. The city was divided into three clusters, and CSOSA issued a Request for Proposals to establish a contractual relationship with a lead institution in each cluster. The lead institutions are: Cluster A (Wards 7 and 8)—East of the River Clergy/Police/Community Partnership; Cluster B (Wards 5 and 6)—Pilgrim Baptist Church; Cluster C (Wards 1, 2, 3, 4)—New Commandment Baptist Church.

Each institution employs a Cluster Coordinator, who coordinates mentor and other service referrals and performs outreach to increase the involvement of faith institutions in the cluster.

CSOSA also developed and implemented training programs for both mentors and the program coordinators at each faith institution. The training familiarizes prospective mentors with the structure and requirements of community supervision, the offender profile, and the program's administrative and reporting requirements, as well as providing role-playing exercise in which mentors encounter the challenges of mentoring. To date, approximately 200 mentors and coordinators from more than 40 institutions have been trained.

The initial cohort of 24 returning offenders was “matched” with mentors in August 2002. Since then, the number of offenders in the program has grown to over 100. In 2003, CSOSA expanded the program to include inmates at the Bureau of Prisons' Rivers Correctional Institution in North Carolina. Rivers houses over 1,000 District of Columbia inmates. Thirty-three Rivers inmates were placed with mentors, who attended biweekly mentoring sessions conducted through video conference technology. All but four of the inmates have been released as of February 23, 2004.

Mentoring remains just one facet of CSOSA's faith initiative. Through the cluster coordinators and site visits by CSOSA staff, outreach ministries and services have been identified. In addition, faith institutions have been directed to Federal, local, and philanthropic resources to upgrade their capacity for service. For example, CSOSA has verified the capacities and availability of the following outreach services:

Institution	Outreach Ministry	Available Capacity
AP Shaw United Methodist	Anger Management	7 program slots.
Grace Apostolic	GED classes	Varies.
Paramount Baptist	Food and Clothing	10–12 referrals weekly.
SE Tabernacle	Job Services Referrals	30 referrals/month.
	Weekly support group for Ex-offenders	Maximum 15 per week.
Redemption Ministry	Job Training/Placement	35 referrals per class cycle.
	Substance Abuse Counseling	Ongoing capacity for 15 clients.
	Family Assistance (housing, transportation).	Varies according to need.

Through grant funding from the U.S. Department of Justice, Community Oriented Policing Service (COPS), one of CSOSA lead faith institutions, New Commandment Baptist Church, is now able to facilitate and expand its ability to intercede, with CSOSA and other faith institutions, to improve the likelihood that participating parolees will have lower rates of recidivism. CSOSA's network of interdenominational faith-based participants will contribute to the success of this effort. Collaborating with the District of Columbia Jobs Partnership, New Commandment Baptist and other faith institutions are able to enroll returning offenders in job readiness training programs, educational and vocational training, interviewing skills and job placement.

Another participating faith institution, East of the River Clergy/Police/Community Partnership, has recently received a grant award from the U.S. Department of Labor to facilitate and place returning offenders into jobs which offer career opportunities. It is projected that the availability of this resource will substantially build the capacity of the District of Columbia to better serve the returning offenders and their families.

From the enthusiasm of a core group of concerned citizens, the CSOSA faith initiative has grown to a citywide effort involving hundreds of individuals in a wide range of activities to support returning offenders. We look forward to the initiative's continued growth as a sustainable long-term resource that offenders can access both during and after their term of supervision.

Question. Does CSP have specific programs to meet the needs of female offenders?

Answer. Currently, CSP has several gender-specific programs to address the needs of female offenders. CSP contracts for residential placements in gender-specific residential programs, such as Demeter House, which treats chemically-addicted mothers, who may be accompanied by their children while in the program. The Substance Abuse and Treatment Branch also provides weekly in-house group sessions for women. In addition, the Transitional Intervention for Parole Supervision (TIPS) program has a community supervision officer on-site at the Fairview Community Corrections Center to assist women with reentry issues. The Fairview CCC also may be used for public law placements and as an intermediate sanction for high risk/needs women offenders.

CSP is working to expand gender-specific programs. The expanded Reentry and Sanctions Center will contain a unit for female offenders. Additionally, a team of managers received training at the National Institute of Corrections Academy last year on implementing effective agency-wide programs for female offenders. The members of this team now are leading a work group to implement these strategies around such issues as victimization and trauma, mental health and medical problems, family and child rearing, and economic self-sufficiency. The Agency is working to:

- Implement additional, in-house gender-specific group counseling programs and training group facilitators;
- Develop a comprehensive training curriculum that provides information/tools for line staff and administrators to effectively manage female offenders;
- Compile a resource guide to ensure that Community Supervision Officers are aware of, and have access to, available in-house, community and government programs;
- Work with our faith-based partners to female women offenders are linked to mentors;
- Strengthen partnerships with the many community organizations and government agencies that provide services to this population; and
- Arrange child-care opportunities with our community partners to allow female offenders to engage in programming and supervision activities.

Question. CSP last requested an increase in drug treatment funds in fiscal year 2002. Is this funding sufficient to meet the demand for treatment? What measures are in place to ensure that these resources are used most effectively? Is there any evidence that CSOSA drug treatment reduces drug use, rearrest, and recidivism in the District of Columbia?

Answer. During fiscal year 2003, CSOSA's Office of Research and Evaluation estimated that there were over 4,100 chronic substance-abusing offenders in need of treatment intervention. This estimate is based on the number of offenders who tested positive for cocaine, heroin or PCP two or more times. (Offenders testing positive for marijuana and/or alcohol are generally given intermediate sanctions and referred to in-house services.)

Each offender, on average, requires three placements to satisfy treatment-programming requirements. For example, offenders with chronic substance abuse histories are most often referred to detoxification followed by residential and outpatient services. For the chronic drug-using population, CSOSA would require the ability to make a minimum of 12,300 substance abuse placements per year (4,100 offenders \times 3 treatment placements).

The fiscal year 2003 appropriation (approximately \$8.6 million) enabled CSP to make 2,021 treatment placements. This addressed 16 percent of the estimated requirement. To ensure that limited treatment funds are being used efficiently our treatment specialist staff performs a battery of assessments to determine the appropriate treatment recommendation for each offender.

In fiscal year 2003, a data management system was introduced, which allowed automated tracking of the agency's treatment related data. Fiscal year 2003 was the pilot year for use of the automated tracking system and the system was modified

and adjusted as required during the year. It is anticipated that data on the effectiveness of interventions will be available from the automated treatment tracking system within the next 6 to 9 months.

Question. Does CSOSA contract for drug treatment services? How do you ensure that vendors are providing quality services?

Answer. CSOSA currently contracts with 11 drug treatment vendors throughout the Washington metropolitan area. Quality Assurance Specialists routinely monitor each vendor to ensure that all treatment services are provided in accordance with national and local standards.

Vendor monitoring occurs through compliance reviews and unannounced site visits. The compliance reviews are performed on an annual basis based on standards for treatment services. The areas subject to review include staffing, documentation, physical plant and administrative operations. Upon completion of the review, the vendors are provided with a time sensitive plan to correct any deficiencies. Subsequently, this plan is monitored through unannounced site visits to ensure compliance.

In an effort to continue improving the quality of interventions provided by our drug treatment vendors, CSOSA also provides ongoing technical assistance.

Question. What management strategies are employed for inmates on Special Supervision?

Answer. Special Supervision is the rendering of comprehensive, treatment-oriented services, combined with intensive supervision, for those offenders assessed as "special needs" offenders. Special needs offenders include offenders convicted of sex crimes and crimes of domestic violence, those diagnosed with a mental illness, and those assessed with a substance abuse addiction. Programmatic improvements for special supervision populations continue to evolve. However, the increasing number of offenders presenting with co-occurring disorders, combined with limited staff resources, continues to present challenges in providing comprehensive services for these populations.

SPECIAL SUPERVISION

Question. What do you do differently for Special Supervision Offenders than the General Supervision population?

Answer. Special supervision offenders are high risk offenders. Immediately upon release to the community, "special needs" offenders are placed on an intensive or maximum level of supervision for the first 90 to 180 days, with weekly community and office contact, including urinalysis surveillance for illegal drug use. To closely manage these special supervision offenders, CSO's working with these caseloads have much smaller caseload ratios than CSO's managing general supervision offenders. The Agency's target caseload supervision ratio for the "Special Supervision" teams is 25 offenders per CSO, versus 50 offenders per CSO for general supervision. This smaller ratio allows the special supervision CSO to provide close offender accountability, intensive counseling, treatment referrals, and tracking activities. The Agency is approaching the targeted caseload ratio, which will improve public safety.

To ensure that all "special needs" offenders receive required services, a comprehensive referral, placement and assessment tracking system has been implemented for all sex offender, mental health, and substance abuse cases. These offenders are carefully screened to match appropriate treatment services with their needs. CSO's refer offenders to treatment groups on-site, as well as makes referrals to vendor-provided treatment services, such as residential substance abuse treatment and sex offender treatment services. Also, sex offenders, depending on their classification level, are required to register with the Sex Offender Registry, every 90 days or once a year, for life, as determined by their conviction and the law. In fiscal year 2003, 185 sex offender assessments and 42 polygraph examinations were conducted.

Offenders convicted of a domestic violence offense participate in CSOSA-provided Domestic Violence Intervention Program (DVIP) or Family Violence Intervention Program (FVIP), if the offender is unable to afford private domestic violence counseling services. These group sessions also can include family members and, if appropriate, the victim of the offense and/or other interested community support persons. In addition, CSOSA offers individual counseling as needed. Those offenders who can afford to pay for private domestic violence treatment are closely monitored to ensure attendance and progress in treatment.

Question. This committee included funds in CSOSA's fiscal year 2004 appropriation for 27 new positions to provide for increased supervision of high-risk sex offenders, mental health cases, and domestic violence cases, as well as to expand the use of global positioning system (GPS)-based electronic monitoring. GPS electronic monitoring employs state of the art technology to offender supervision and hold great

promise for solving crimes and detecting offender movements or patterns that would enable CSOSA to take action before he or she commits more crime. This technology would appear to be a valuable tool for supervising all high-risk offenders, and in particular, sex offenders and domestic violence offenders in which offenders are supposed to avoid certain locations, such as schools or specific residences.

What is the status of implementing the special supervision initiative? When will the new officers be hired? When filled, what will the new caseload ratios be?

Answer. Two new Special Supervision Teams start CSP's 6-week training academy on March 22, 2004. After these staff complete training and enter supervision duties, CSP caseload ratios for sex offender, mental health and domestic violence supervision will be reduced to approximately 29:1 (based on January 2004 cases). CSP is unable to hire additional staff from the fiscal year 2004 supervision initiative due to inadequate funding for these positions in our fiscal year 2005 budget request. Simply, CSOSA cannot support all 27 staff in fiscal year 2005 with the resources contained in our fiscal year 2005 budget. If all staff from the fiscal year 2004 special supervision initiative were hired, these high-risk caseload ratios would decrease to 25:1.

Question. What is the status of implementing the GPS system? What criteria do CSOSA use to determine which offenders are placed under electronic or GPS monitoring? Using these criteria, how many offenders would be placed on GPS at any given time? How many offenders are currently under GPS monitoring?

Answer. CSOSA currently is piloting Global Positioning System (GPS) electronic monitoring technology to monitor movement of the highest risk offenders in the community. Primarily used as a tool to monitor sex offenders, CSOSA also utilizes GPS to monitor high risk domestic violence offenders. These populations generally have stay away orders from people or places within the community, and GPS has shown promise to be a useful tool to monitor compliance with these conditions. GPS allows CSOSA to place strict curfews on offenders, as well as to establish "exclusion zones," which are areas or addresses the offender is prohibited from entering. Offenders who are placed on this type of electronic monitoring generally have violated conditions of their supervision, and the GPS is used when other intermediate sanctions have been exhausted. Additionally, offenders whom CSOSA deems particularly high risk, due to their originating offense or suspicion that the offender may be re-offending, also may be placed on GPS monitoring. Offenders who are under parole or supervised release supervision may be placed on GPS electronic monitoring at CSOSA's discretion. In probation cases, CSOSA must obtain a court order, modifying the offender's supervision conditions, in order to place the offender on GPS monitoring.

Since April 8, 2004, 51 offenders have been placed in the GPS pilot at a cost of \$6.00 per day, per offender. Currently, 9 offenders are under GPS. Using CSOSA's criteria, above, for placing sex offenders, domestic violence offenders, and other high risk offenders under GPS, the Agency estimates that the following number of offenders could be placed under GPS in fiscal year 2004:

Fiscal Year 2004	No. Offenders Under GPS
October-December, 2003	0
January-March, 2004	12
April-June, 2004	30
July-September, 2004	60

The system currently piloted by CSOSA is a passive one, which means CSOSA is notified of violations by e-mail the next business day following the violation. Some violations also may be reported to our sex offender supervision staff by cell phone. At any time, our staff also may link to the GPS system and track real-time the offenders who are in the program. However, CSOSA is not a 24-hour law enforcement Agency and does not have the resources available to respond immediately to each violation.

Through future collaborations with the Metropolitan Police Department (MPD), it is CSOSA's goal to provide MPD with the ability to respond immediately to GPS electronic monitoring violations of CSOSA offenders as the violations occur. Additionally, the GPS data can be linked to MPD crime data to assist law enforcement to determine if offenders on GPS tracking were at or near reported crime sites.

Currently, CSOSA contracts for GPS services with Veridian, which is a component of General Dynamics. The hardware used for monitoring is provided by PRO TECH Monitoring, Inc. CSOSA uses Veridian, instead of direct contracting with PRO

TECH Monitoring, Inc., because Veridian offers several advantages that PRO TECH Monitoring, Inc. does not currently offer, such as:

- Web based access to the data;
- Linkage with police crime data; and
- The ability to change hardware if a new, more advanced, efficient, or cost-effective product enters the market with another company, other than Pro Tech.

Question. Is the GPS technology being used for defendants?

Answer. No. However, if resources become available, the Pretrial Services Agency would pilot this type of monitoring for high-risk defendants with court orders to stay away from particular persons or places.

INFORMATION SYSTEMS

Question. What is the status of CSP's offender case management system, for which funding was provided in fiscal year 2002?

Answer. Initially deployed in January 2002, the Supervision and Management Automated Records Tracking System (SMART) replaced an unreliable and outdated legacy system. SMART has provided the Agency with an efficient and accurate method for tracking supervision activities, improving supervision management and reporting, and enhancing management of the treatment process for offenders.

Since the supervision module's initial release, many features and modules have been added to SMART. A treatment module has been implemented to track each offender's progress, as well as a related module that allows treatment vendors to verify attendance at scheduled outpatient sessions. This integrated treatment module not only encompasses the tracking of offender treatment activities, but also manages all treatment-related financial transactions. In addition, CSOSA now has the capability to electronically transmit Pre-Sentence Investigation (PSI) reports directly to the Superior Court and the Assistant United States Attorney's Office. Current modules under development will provide automatic notification when the Metropolitan Police Department arrests an offender under supervision, as well as the revised screener and the prescriptive supervision plan.

In order to continue the significant improvements in offender supervision, CSOSA needs to continue enhancing SMART's capabilities. The current intake procedure involves the manual process of entering sentencing information from both the Courts and the Bureau of Prisons (BOP). The proposed Intake Module would streamline this function by automating the transfer of sentencing information directly from the Courts and the Bureau of Prisons, as well as electronic Notices of Actions from the U.S. Parole Commission. Automatic transmission of sentencing information would ensure that CSOSA receives the sentencing information for each offender. Additional proposed enhancements also include:

- Wireless mobile computing to provide officers with access to the SMART application while performing supervision in the community;
- Biometrics to provide a fail-proof method for identifying offenders reporting for drug testing or drug treatment programs;
- Archiving and expunging case records in accordance with Federal regulations;
- Additional interagency data sharing with both local and Federal law enforcement agencies; and
- Improved management and operational reporting using Business Objects to ensure the effective supervision and allocation of resources to attain the Agency's critical success factors.

Without these technological enhancements, it will be very difficult for CSOSA to continue its forward momentum in improving public safety through close supervision.

Question. Are CSOSA information systems integrated with other law enforcement systems? Are CSOSA systems secure from hackers?

Answer. CSOSA has aggressively implemented internal process automation, remote connectivity to external criminal justice data repositories, and justice data exchange. The information collected and managed by SMART is requested by local and national law enforcement agencies. The Agency has established data exchange agreements with several local and Federal law enforcement agencies. Criminal justice data is currently being exchanged with the Metropolitan Police Department, the Pretrial Services Agency, the District of Columbia Department of Corrections, the United States Attorney for the District of Columbia, the District of Columbia Department of Corrections, the U.S. Parole Commission, the Federal Bureau of Prisons, and the Federal Bureau of Investigations. The fulfillment of the Agency's mission is contingent on obtaining timely and accurate information from law enforcement agencies. Interagency data exchange provides the necessary criminal data for preparation of Pre-Sentence Investigation reports (PSI), Alleged Violation Reports

(AVR), Warrants, and Notices of Action (NOA's) to improve offender supervision, and ways to control crime and improve the safety of the public.

While CSOSA facilitated some initial electronic data exchange agreements with other agencies, it is crucial to establish additional exchange processes with the other law enforcement entities, such as the Courts. SMART is capable of receiving data from other entities, yet other agencies systems are not always postured to participate in the data exchange process.

The successful deployment of SMART, and the initial data exchange communication with other agencies, has moved the Agency closer to accomplishing our strategic goals. As we increase our data exchange capability with other law enforcement agencies, the need to enhance security measure increases. To continue this forward movement, it is imperative that CSOSA systems, data and infrastructure be secure. CSOSA continues to make strides in addressing IT security. We have developed an IT Security Master Plan, established an Incident Response Team, IT Security and Patch Management Working Groups, however more work must be accomplished to ensure a secure information technology environment.

SMART is a critical Agency system that must be secure. As the sophistication of hackers advance, CSOSA must enhance the capability to protect Agency resources to ensure that measures can be taken to fend off attacks and exploits. The challenge of managing new exploits and adherence to emergent Federal regulations (FISMA, A-130 etc.) requires a vigilant IT Security Program. CSOSA must implement an IT Security tool set to include enhanced WEB scanners, network intrusion software, and e-authentication devices. Also, the implementation of the IT Security Master Plan is necessary to comply with FISMA and/or regulatory requirements. The successful implementation of an Agency IT Security Program is dependent on identifying adequate resources to secure the Agency's information technology resources and comply with regulatory requirements.

Question. CSOSA's fiscal year 2002 appropriation included \$13,015,000 in no-year funds to renovate Karrick Hall or some other facility for use as CSOSA's Reentry and Sanctions Center. What is the status of the renovations?

Answer. In September 2002, CSOSA signed a long-term lease with the District of Columbia for the use of Karrick Hall as CSOSA's Re-entry and Sanctions Center. Also, in September 2002, the city government was developing a Master Plan for the D.C. General Hospital Campus, including negotiating a transfer of control of the land from the Federal Government to the D.C. Government. CSOSA worked closely with the D.C. Government and the community throughout these planning processes. In July 2003, we reached agreement with the city to proceed with the renovation of Karrick Hall. A contract for Architectural and Engineering Design and Construction Management was signed in September 2003.

Karrick Hall is an eight-story, 60,000 square foot building and since 1996, has been the home of the Assessment and Orientation Center. The AOC program is a model program CSOSA now operates in partnership with the Washington Baltimore High Intensity Drug Task Force program, also known as HIDTA. When Karrick Hall is complete, the AOC will become CSOSA's Reentry and Sanctions program.

On February 27, 2004, the AOC vacated Karrick Hall and moved into a temporary location at 1301 Clifton Street, NW. The AOC will be at 1301 Clifton until the renovation is complete, in the spring of 2005. While at 1301 Clifton, the AOC will expand its program from 18 beds to 27.

Karrick Hall is a 60,000 square foot eight-story building constructed on the grounds of the D.C. General campus circa 1961. The renovations include:

- Replacing the building's infrastructure (installing all new plumbing, electrical, windows and exterior architectural features as well as new heating and air condition systems and fire systems);
- Installing two new elevators in place of the existing units; and
- Installing new restrooms and ensuring all new systems meet the requirements of the Americans with Disabilities Act and other handicap accessibility requirements.

When complete, the Reentry and Sanctions Center will expand to 108 beds, which will service 1,200 offenders and defendants annually. The program will include 4 male units, one unit dedicated to females and one unit for the dually diagnosed.

We are very excited about this initiative because the AOC program has a proven track record of success. A study conducted by the University of Maryland in May 2002 found there was a 74 percent reduction in re-arrests 1 year following completion of the AOC program. Expanding the capacity of this program has obvious positive impacts on public safety and quality of life.

REENTRY AND SANCTIONS CENTER

Question. Does CSOSA's fiscal year 2005 budget include funding for the expanded operation of Reentry and Sanctions Center?

Answer. CSOSA's budget request includes only partial-year funding for fiscal year 2005 because the building renovation will not be complete until spring 2005. Fiscal year 2006 will be the first full fiscal year that all six units at Karrick Hall will be fully operational. The full-year operating cost in fiscal year 2006 will be approximately \$18 million. To fund complete, annual operations would require an increase in fiscal year 2006 of approximately \$5.5 million.

Question. Does CSOSA perform independent audits of its budget and finances? What are the results of such audit, including audit findings and status of corrective actions?

Answer. Although not required by the Chief Financial Officers Act or other Federal law or regulation, since inception CSOSA's Funds Control policy required an annual audit of our budgetary financial statement (Statement of Budgetary Resources). The auditing firm of PriceWaterhouseCoopers (PWC) LLP has conducted four independent audits of CSOSA's Statement of Budgetary Resources since Agency inception. In each audit, no material weaknesses were identified and CSOSA received unqualified opinions. The audit of CSOSA's fiscal year 2002 Statement of Budgetary Resources successfully concluded in September 2003. Thus far, the only finding raised has been concerns about our ability to fulfill new and much more stringent standards resulting from legislation enacted in 2002.

FINANCIAL MANAGEMENT

Question. Please elaborate on the new legislation and standards affecting CSOSA's financial management.

Answer. The Accountability of Tax Dollars Act of 2002 (Public Law 107-289) establishes new requirements in the area of financial management for all small agencies. These are the same financial and audit requirements which the larger cabinet level agency have been subject to for the past several years. The Act requires all executive agencies, regardless of size, to prepare and audit six financial statements versus the one Statement of Budgetary Resources currently prepared and audited by CSOSA. This will increase the scope of audit coverage and will require CSOSA to implement additional policies, systems and procedures in many areas. The changes are all positive steps in improving stewardship of taxpayer dollars, but CSOSA is struggling to put the proper infrastructure in place. It will take time and additional resources.

Question. Does the fiscal year 2005 budget include the request for financial resources to comply with the new laws affecting financial management, and if not, what is the cost and how will you deal with the problem?

Answer. We estimate the Agency-wide cost (including the Pretrial Services Agency) to be \$980,000 and we will no choice but to divert funding from programs such as supervision, treatment or employee training.

Question. Within the past 2 weeks, the Washington Post reported on the arrest of a repeat sex offender who is suspected of several rapes, as well as molesting a 12-year-old girl. The Post also reported that Superior Court had sentenced the man to probation several months prior to the recent assaults but procedural errors resulted in this sex offender being unsupervised by CSOSA. Do you understand the full extent of the problems that caused this to happen? Please describe how such errors could have been avoided, or could be prevented in the future, including any resources that may be necessary.

Answer. CSOSA has closely examined this case. The exchange of data between Superior Court and CSOSA needs to be improved by increasing automation. These automated changes may require the Clerk's office to modify its existing business processes. CSOSA also needs to institute some operational changes within our Offender Intake program. We have short-term fixes in place in our attempt to ensure that we receive probation grants from the Court and input all intake data into SMART. However, we recognize the need for permanent solutions in terms of both automation and the enhancement of our Offender Intake operation. We recently completed a comprehensive review of the Offender Intake operation. The review defined organizational and procedural changes that would enhance the operation's efficiency. The review very clearly stated the need for additional resources, but more analysis is needed to accurately quantify the impact. Funding for these improvements has not been requested in the fiscal year 2005 budget.

Question. Provide the number of D.C. inmates in each Federal Bureau of Prisons facility by gender.

Answer.

DISTRICT OF COLUMBIA INMATES IN THE FEDERAL BUREAU OF PRISONS (AS OF FEBRUARY 25,
2004)

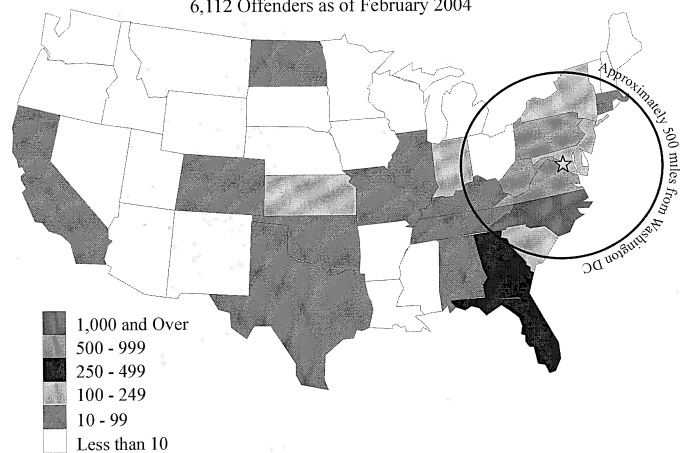
State	Facility	Males	Females	Facility Total	State Total
AL	Talladega FCI	19	.....	19	19
AR	Forrest City FCI	1	.....	1	1
AZ	Phoenix FCI	2	.....	2	2
CA	Atwater USP	19	.....	19	.....
CA	Dublin FCI	0	6	6	.....
CA	Terminal Island FCI	1	.....	1	.....
CA	Victorville Med FCI	2	.....	2	28
CO	Florence ADMAX USP	28	.....	28	.....
CO	Florence FCI	4	.....	4	.....
CO	Florence High USP	29	.....	29	.....
CO	Denver CCM	1	.....	1	62
CT	Danbury FCI	0	84	84	84
DC	D.C. Community Corrections	199	20	219	219
FL	Coleman Med	24	1	25	.....
FL	Coleman USP	182	.....	182	.....
FL	Marianna FCI	9	.....	9	.....
FL	Miami FCI	1	.....	1	.....
FL	Petersburg FCI	48	.....	48	.....
FL	Tallahassee FCI	1	16	17	282
GA	Atlanta USP	354	.....	354	.....
GA	Jesup FCI	19	.....	19	373
IL	Greenville FCI	13	.....	13	.....
IL	Marion USP	28	.....	28	.....
IL	Pekin FCI	4	.....	4	45
IN	Terre Haute USP	193	.....	193	193
KS	Leavenworth USP	218	.....	218	218
KY	Ashland FCI	6	.....	6	.....
KY	Lexington FMC	20	10	30	.....
KY	Manchester FCI	32	.....	32	68
LA	Oakdale FCI	1	.....	1	.....
LA	Oakdale FDC	3	.....	3	.....
LA	New Orleans CCM	1	.....	1	5
MA	Devens FMC	38	.....	38	.....
MA	Boston CCM	1	.....	1	39
MD	Cumberland FCI	214	.....	214	.....
MD	Baltimore Community Corrections	26	2	28	242
MI	Milan FCI	3	.....	3	.....
MI	Detroit CCM	1	.....	1	4
MN	Rochester FMC	18	.....	18	.....
MN	Sandstone FCI	1	.....	1	.....
MN	Minneapolis CCM	3	.....	3	22
MO	Springfield USMCFP	61	.....	61	61
MS	Yazoo City FCI	2	.....	2	2
NC	Butner FMC	65	.....	65	.....
NC	Butner Low	17	.....	17	.....
NC	Butner Med	48	.....	48	.....
NC	Seymour Johnson FPC	11	.....	11	.....
NC	McRae CI	18	.....	18	.....
NC	Rivers CI	1,119	.....	1,119	.....
NC	Raleigh CCM	2	.....	2	1,280
NJ	Fairton FCI	109	.....	109	.....
NJ	Fort Dix FCI	44	.....	44	153
NY	Brooklyn MDC	5	.....	5	.....
NY	Otisville FCI	63	.....	63	.....
NY	Ray Brook FCI	39	.....	39	107
OH	Elkton FCI	9	.....	9	9
OK	El Reno FCI	3	.....	3	.....
OK	Oklahoma City FTC	30	.....	30	33
OR	Sheridan FCI	2	.....	2	2
PA	Allenwood Low	10	.....	10	.....
PA	Allenwood Medium	95	.....	95	.....
PA	Allenwood USP	259	.....	259	.....

DISTRICT OF COLUMBIA INMATES IN THE FEDERAL BUREAU OF PRISONS (AS OF FEBRUARY 25, 2004)—Continued

State	Facility	Males	Females	Facility Total	State Total
PA	Lewisburg USP	258	.....	258	.....
PA	Loretto FCI	3	.....	3	.....
PA	McKean FCI	85	.....	85	.....
PA	Philadelphia FDC	21	9	30	.....
PA	Schuylkill FCI	145	.....	145	.....
PA	Philadelphia CCM	2	1	3	888
SC	Edgefield FCI	125	.....	125	.....
SC	Estill FCI	49	.....	49	174
TN	Memphis FCI	31	.....	31	.....
TN	Nashville CCM	1	.....	1	32
TX	Beaumont Low	3	.....	3	.....
TX	Beaumont USP	46	.....	46	.....
TX	Carswell FMC	0	16	16	.....
TX	Fort Worth FMC	7	.....	7	.....
TX	Texarkana FCI	1	.....	1	.....
TX	Three Rivers FCI	1	.....	1	74
VA	Lee USP	409	.....	409	.....
VA	Petersburg Med FCI	281	.....	281	690
WI	Oxford FCI	4	.....	4	4
WV	Alderson	0	67	67	.....
WV	Beckley FI	161	.....	161	.....
WV	Big Sandy USP	147	.....	147	.....
WV	Gilmer FCI	235	.....	235	.....
WV	Morgantown FCI	87	.....	87	697
	TOTAL	5,880	232	6,112	6,112

**Court Services and Offender Supervision Agency
Distribution of District of Columbia Offenders
by State**

6,112 Offenders as of February 2004



PRETRIAL SERVICES AGENCY

Question. According to the fiscal year 2005 Pretrial Services Agency budget submission, the current caseload for defendants who are “extensively supervised” is 127:1. What types of charges are included in “extensively supervised” cases, what type of supervision is provided, and what, if any, implications does this have for public safety? If this is not the appropriate caseload ratio, what is? What, if any, resources are needed to achieve public safety goals? What changes to supervision practices would be expected if caseloads were reduced?

Answer. Within the General Supervision program, defendants who pose a higher level of risk to community safety or of not returning to Court are classified as in need of “extensive supervision.” Defendants who fall into this category have been charged with a wide range of offenses—from misdemeanors to dangerous and violent felonies. Many of the felony defendants are eligible for pretrial detention based on their charge (i.e., robbery, burglary, possession with intent to distribute), but the Court has determined that placement in the community under extensively supervised release conditions should initially be ordered. The Court’s expectation is that, in order to ameliorate the risk to public safety while on pretrial release, conditions such as drug testing and regular reporting will be closely supervised by PSA.

With the current high caseload ratios, PSA is not able to provide the supervision expected by the Court or required by PSA’s internal policies and procedures. In fiscal year 2002, General Supervision Pretrial Service Officers (PSO’s) were unable to respond to over half of defendants’ condition violations, such as noncompliance with drug testing and contact requirements. Currently, PSO’s often cannot respond quickly to violations of release conditions and, in many instances, defendants are testing positive for illegal drugs for many months until they have a court date where the PSO is finally able to respond. This is particularly troubling with high risk felonies pending indictment, where the first court date after the preliminary hearing is often many months after the defendant has been released to PSA. During that time, because the PSO’s are “managing” their caseloads on the basis of court dates rather than providing extensive supervision, warrant checks and criminal records checks are not regularly done to see if defendants have been arrested again in a neighboring jurisdiction while on release. Curfew conditions are not monitored by visits to defendants’ homes. Treatment or employment opportunities are not pursued. In short, these higher risk defendants are not being appropriately supervised, at considerable risk to public safety.

Information provided by two neighboring Federal pretrial districts under the Administrative Office of the U.S. Courts indicates that their caseloads average between 42:1 and 64:1 (Eastern District of Virginia 42:1, District of Maryland 64:1). If PSA were to reduce extensive supervision caseloads to 60:1, it would require the following resources:

PSO’S REQUIRED FOR CASELOADS AT 60:1 (AVERAGE MARCH-JUNE 2003)

Extensive Supervision	Cases	Current PSO’s (121:1) ¹	Additional Required for 60:1	PSO Total 60:1
Felony	1,346	11	11	22
Violent Misdemeanor	412	3	4	7
Domestic Violence	547	5	4	9
Nonviolent Misdemeanor	1,338	11	11	22
Total	3,643	30	30	60

¹ Caseloads fluctuate over the year depending on whether the Court orders “extensively supervised” or monitored conditions. This depends on the risk level of the particular defendant. The Extensive Supervision breakdown reflects an average from March through June, 2003 when the ratio was 121:1. The 127:1 ratio addressed in the question represents the period from March through September, 2003.

With additional resources, pretrial services officers would be able to initiate case management of defendants with extensive supervision conditions. Supervision plans would be established that would include the following:

- provide orientation with defendants so that they are advised about supervision/program requirements;
- assess defendant’s needs and risks by reviewing the bail report/risk assessment and by completing a social services needs screener;
- conduct regular warrants and criminal history checks to ensure there has not been a rearrest in a neighboring jurisdiction while on release;
- assess and refer defendants for substance abuse, mental health needs, or social services where appropriate and resources permit;

- execute contracts for sanctions-based substance abuse treatment where appropriate and resources permit;
- monitor conditions of release throughout the case so that non-compliance can be reported expeditiously to the court instead of only on court dates;
- respond expeditiously to non-compliance with release conditions through sanctions or referral to appropriate resources such as treatment or a request for judicial action;
- respond to non-compliance with drug testing after three drug testing infractions within 30 days rather than only on court dates;
- report to the court and investigate loss of contact with the defendant; and
- administer and recommend incentives where appropriate.

Question. Many Federal agencies have not received full funding for pay raises in the last several years. What impact does this have on the Pretrial Services Agency's ability to meet program goals?

Answer. Pretrial Services Agency's ability to accomplish our program goals relating to Risk and Needs Assessment, Close Supervision, Treatment and Services, and Partnerships is directly tied to our ability to hire our authorized 325 FTE. Since our certification as an independent entity within CSOSA in August of 2000, PSA has experienced significant but mission-essential program growth in the areas of staff and contract treatment. During this short period of time, PSA has been very successful in incrementally establishing the necessary infrastructure to support our growing FTE level; and now we need to maintain this FTE level to successfully provide front-line services to defendants and accomplish our mission.

By fiscal year 2005, the cumulative impact of the unfunded pay raise increment, the difference between the President's Budget and Congress's enacted authorization, could well be over 5 percent of payroll, or over \$1 million. As a small agency where approximately 72 percent of our fiscal year 2005 funding goes into salaries and benefits, there are few options to address this increment beyond reducing staffing or reducing treatment dollars, which directly impacts the achievement of program goals. For example, with the option utilized this fiscal year, fiscal year 2004, approximately 16 positions were not filled until February to help address the fiscal year 2004 pay raise increment of 2.1 percent, or \$565,000 (difference between 2.0 percent in the budget and the 4.10 percent actual).

Conversely, reducing available FTE will incrementally increase supervision caseload ratios. Higher caseload ratios, particularly in an area such as General Supervision, where the ratios are already too high, can only cause increased concern for public safety. For fiscal year 2005, to address the potential unfunded pay raise increment of approximately 1.8 percent, or \$486,000.00 (difference between the 1.5 percent in the budget and the possible parity pay with DOD at 3.5 percent), PSA will be confronted with not being able to fill vacancies and/or a reduction in contract treatment funding.

COMMUNITY COURT

Question. What is the role of PSA with the D.C. Superior Court's Community Court? Does PSA have resources that are adequate to support this initiative?

Answer. The District of Columbia Superior Court launched the East of the River Community Court (ERCC) in September 2002, and it was expanded in the fall of 2003. The ERCC shifted case management from a traditional case processing orientation to a problem-solving system of supervision. The general philosophy of the Court is grounded in a therapeutic and restorative justice model, incorporating an active connection with the community. Problem-solving is achieved by assessing individual needs and tailoring meaningful solutions through drug testing, substance abuse treatment, job training, other social services and community service. PSA assessment and supervision practices have been modified to respond swiftly and frequently to assist the Court in making informed decisions about release conditions intended to problem-solve individual need and to assure appearance in court and public safety. Accountability is enforced by PSA to improve the defendant's sense of value to the community, as well as to prevent the defendant from becoming involved in further criminal behavior. Today, a few PSO's within the General Supervision program are supervising 482 defendants released through the ERCC, and 433 of those defendants have a drug testing condition.

Managing individual needs of defendants processed through the ERCC involves a labor-intensive effort by PSO's. Defendants who opt for trial or agree to diversion are released with a variety of release conditions intended to support problem-solving. PSO's spend added time with defendants attempting to instill a desire for self-improvement and community awareness while maintaining the system's requirements of assuring defendants' return for court dates and safety of the community.

In some instances, PSA supervises dual sets of release requirements for an individual defendant. Diversion agreements with the prosecutor and court-ordered release conditions are simultaneously imposed and fashioned to promote personal change. The PSOs' productivity levels are increased by the two sets of release requirements and the types of conditions imposed. Defendants need time to modify negative behaviors or to make retribution to the community through community service. As a result, the supervision period is lengthened. Non-compliance with problem-solving strategies prolongs the length of a case as PSO's attempt to work with defendants for successful outcomes. When defendants succeed at diversion, prosecutors prefer to keep their cases open for an extended period to ensure continuing compliance. Defendants who fail diversion opportunities and request a trial automatically extend the pretrial supervision period.

PSA resources are not adequate to effectively continue under the community court model. Although the Court would like to expand the reach of the community court to other districts beyond 6D and 7D, PSA does not have sufficient staff or treatment dollars to support such an expansion. Misdemeanor cases that usually average 170 days can end up on the court docket for longer periods, sustaining the need for PSA oversight and treatment funds. Resources are stretched thin to cover the variety of release requirements, to manage the high-maintenance nature of problem-solving, and to prolong supervision to promote successful outcomes or to support a second period of supervision.

DRUG TREATMENT

Question. PSA last received an increase in contract drug treatment funding in fiscal year 2002 to address the defendant population. How many defendants have drug use problems? To what extent is this funding sufficient to meet the demand for treatment? What controls are in place to ensure that these resources are used most efficiently and effectively?

Answer. PSA cannot currently meet the entire substance abuse treatment need in its supervision population. Although defendants frequently are not under pretrial supervision for the period of time necessary to complete an entire treatment regime (placement in detoxification, residential and outpatient treatment sometimes followed by transitional housing), it can reasonably be expected that the typical defendant in need of treatment would receive up to two placements while under PSA supervision.

During fiscal year 2003, there were approximately 3,700 defendants who had at least three drug testing violations while under pretrial supervision. Defendants are referred for comprehensive substance abuse assessments after three positive drug tests, and approximately 96 percent of those assessments reflect a need for treatment. PSA drug-using defendants in fiscal year 2003 needed approximately 7,104 substance abuse treatment placements (3,700 defendants \times 2 treatment placements each @ 96 percent). In-house and contract treatment placements totaled 1,958 in fiscal year 2003, and 215 additional substance abuse placements were made with externally funded community-based providers, a total of approximately 31 percent of the potential need. These placements served approximately 1,200 defendants.

PSA has established and implemented significant best practice controls consisting of both manual and automated processes to ensure that the application of contract drug treatment funding is efficiently and effectively optimized.

PSA has an active contract treatment services quality control program in place, and quality assurance of the services is written into the contracts by the incorporation of the D.C. Department of Health standards for drug treatment facilities. Quality is a major evaluation factor in awarding the treatment services contracts. Each offeror is required to submit a quality assurance plan for providing services to PSA. The treatment facilities must be certified under the D.C. standards for a treatment facility, and evidence of that certification is required for award of the contracts. The treatment services contracts are closely monitored by the Treatment Branch, Contract Treatment Services Unit, Contracting Officer Technical Representatives (COTR's). The COTR's make scheduled and unscheduled site visits to the treatment facilities, inspecting the services provided and utilizing a quality assurance plan and checklist to ensure compliance with the contract terms and conditions. Issues, or potential issues, resulting from site visits are immediately coordinated with a PSA Contract Officer and addressed with the respective vendors.

Initial treatment placements are made by the COTR's utilizing an automated Task Order writing subsystem, which is an on-line, real-time application integrated with PSA's case management system for defendants and the internal funds control system, producing timely, reliable, and accurate information. Treatment vendor invoices are received by PSA's Accounting Section and reconciled with the automated

Task Order writing subsystem. This process allows for continuous maximum use of available funds. For defendants who are placed on probation, the COTR's coordinate with CSOSA to transfer the defendants into the CSP offender supervision program without interruption of treatment services or creating duplicate obligations.

Question. How many defendants did the Pretrial Services Agency supervise over the course of fiscal year 2003? What was the rate of rearrest for pretrial defendants while under the supervision of the agency? What is the rearrest rate for drug users in contrast to non-drug users?

Answer. In fiscal year 2003, the Pretrial Services Agency supervised a total of 20,948 defendants. These defendants represent 26,589 cases, meaning that some defendants have multiple cases and have been placed on pretrial release and supervised more than once. This may occur when a defendant is on release in one case and is rearrested on a different case, either during the period of pretrial supervision, or after the defendant's period of supervision is over.

Twelve percent of PSA's defendant population was rearrested at least once during the period of pretrial supervision. As would be expected from the research documenting the links between drug use and crime, drug-using defendants (defined as those with at least one positive drug test) have higher rearrest rates than non-drug using defendants. In fiscal year 2003, 17 percent of drug-using defendants were rearrested as compared to only 2 percent of non-drug using defendants.

The fiscal year 2003 rearrest rate is marginally lower than the rates from the previous 2 years. In fiscal year 2001, the rearrest rate for all defendants was over 13 percent, with 19 percent of drug-using defendants rearrested, and a little over 6 percent of non-drug using defendants rearrested. In fiscal year 2002, the overall rearrest rate was over 14 percent, with over 20 percent of drug-using defendants rearrested, and 7 percent of non-drug using defendants rearrested.

Question. What is the status of PSA's defendant case management system?

Answer. Version 1.0 of PRISM, Pretrial's case management system, was deployed in March, 2002. This release supported all aspects of defendant supervision, case management, drug test results, and substance abuse treatment. Version 1.5 was deployed in January, 2003, and added automated case assignment and task management functions. Version 2.0 development effort will be completed during the 4th quarter of fiscal year 2004. Staff training will begin in fiscal year 2004 with deployment slated for 1st quarter, fiscal year 2005. Version 2.0 will incorporate criminal history, arrest processing, and bail reports to court, and will replace the Agency's legacy ABA DABA (Automated Bail Agency Database) and DTMS (Drug Test Management System) information systems.

In future versions, we hope to automate the release order process and create an electronic release order. The release order is the initial document that places a defendant under Pretrial Services supervision. Currently, the release order is a multi-part paper form, which is prepared manually by PSA and court staff in the courtroom and signed by the judge. PSA staff manually enters information on the release order into PSA's case management system.

Over 30 courtrooms in D.C. Superior Court prepare and forward release orders to PSA throughout the week. Incomplete or illegible release orders or orders not received by PSA are common problems. Breakdowns in the manual process of transmitting release orders ultimately result in defendants not being supervised. Timeliness in posting new release conditions or any bond changes is paramount to effective supervision. Accuracy of on-the-record release conditions is also essential to ensuring the appropriate release conditions are imposed and supervised.

Automation of this process would create an electronic release order, which could be generated in the courtroom, with printed copies available immediately for all relevant parties. Information could be posted real-time to both Pretrial Services' and D.C. Superior Court's information systems, assuring that both systems had reliable, timely, and accurate information.

QUESTIONS SUBMITTED BY SENATOR MARY L. LANDRIEU

RE-ENTRY AND SANCTION CENTER

Question. Please provide the schedule for renovation of Karrick Hall and how long the agency intends to remain in this facility, as part of the Reservation 13 master plan.

Answer. In September 2002, CSOSA signed a 10-year lease with the District of Columbia for the use of Karrick Hall as CSOSA's Re-entry and Sanctions Center. From September 2002 to June 2003, CSOSA, the D.C. government, and several stakeholders worked to resolve planning issues, including the transfer of control of

the land from the Federal Government to the DC government and the siting of the CSOSA facility within the framework of the Reservation 13 Master Plan. In June 2003, CSOSA reached agreement with the City to proceed with the renovation of Karrick Hall. A contract for Architectural and Engineering Design and Construction Management was signed in September 2003 and complete renovations are scheduled to be complete in Spring 2005. CSOSA plans to continue full operations at Karrick Hall at least throughout the term of the existing lease.

Karrick Hall is a 60,000 square foot 8-story building constructed on the grounds of the D.C. General campus circa 1961. Since 1996, Karrick Hall has been the home of the Assessment and Orientation Center. The AOC program is a model program CSOSA now operates in partnership with the Washington Baltimore High Intensity Drug Task Force program, also known as HIDTA. When Karrick Hall is complete, the AOC will become CSOSA's Reentry and Sanctions program.

On February 27, 2004, the AOC vacated Karrick Hall and moved into a temporary location at 1301 Clifton Street, NW. The AOC will be at 1301 Clifton until the renovation is complete, in the spring of 2005.

The renovations include:

- Replacing the building's infrastructure (installing all new plumbing, electrical, windows and exterior architectural features as well as a new heating and air condition systems and fire systems);
- Installing two new elevators in place of the existing units;
- Installing new restrooms and ensuring all new systems meet the requirements of the Americans with Disabilities Act and other handicap accessibility requirements.

When renovations are completed in Spring 2005, the Reentry and Sanctions Center will expand to 108 beds, which will service 1,200 offenders and defendants annually. The program will include four male units, one unit dedicated to females and one unit for the dually diagnosed. CSOSA's Fiscal Year 2005 Budget request contains funding for partial-year operations of all six units in fiscal year 2005.

We are very excited about this initiative because the AOC program has a proven track record of success. A study conducted by the University of Maryland in May 2002 found there was a 74 percent reduction in re-arrests 1 year following completion of the AOC program. Expanding the capacity of this program has obvious positive impacts on public safety and quality of life.

SUPERVISION AND TREATMENT

Question. What role does drug treatment play in reducing recidivism?

Answer. Research supports the conclusion that effective drug treatment plays a significant role in reducing recidivism. Nationally, it is estimated that drug treatment results in a 45 percent reduction in criminal behavior in the 2 years following successful completion of treatment. A similar trend is seen in research conducted on participants of the Baltimore/Washington High Intensity Drug Trafficking Area (HIDTA) treatment continuum, the system on which CSOSA's substance abuse treatment continuum is based. The HIDTA program, which is grant-funded through the Office of National Drug Control Policy, targets geographic areas identified as having high concentrations of drug-related criminal activity, such as the Baltimore/Washington area. The evaluation of the Baltimore/Washington HIDTA treatment program was conducted by the University of Maryland and showed that the overall arrest rate for HIDTA treatment participants dropped 51 percent, and the arrest rate for participants of the HIDTA Assessment and Orientation Center, which is operated by CSOSA, dropped 74 percent in the 12 months following successful completion of the program.

Within CSOSA, we are currently developing a system to evaluate the impact of treatment on recidivism. The integration of an automated treatment tracking module with our SMART case management system during fiscal year 2003 allows us for the first time to analyze the impact of treatment on criminal behavior. During fiscal year 2003, drug related violations accounted for 58 percent of all technical violations reported for the year. We anticipate that our outcome analysis will mirror the findings of both the national and HIDTA outcome studies and will show a reduction in recidivism and technical violations amongst offenders who were referred to and successfully completed a continuum of treatment services during fiscal year 2003.

Question. How many offenders and defendants are served by drug treatment, compared with the population identified as in need of treatment?

Answer. CSOSA estimates that approximately 4,100 chronic substance-abusing offenders required treatment interventions in fiscal year 2003, based on the number of offenders who tested positive for cocaine, heroin or PCP two or more times. It is important to note that CSOSA also supervises offenders who test positive fewer

than two times that are also in need of treatment services. For purposes of this analysis 4,100 offenders will be used as a low-end estimate.

Each offender, on average, requires 3 placements to satisfy treatment-programming requirements. For example, offenders with chronic substance abuse histories are most often referred to detoxification followed by residential and outpatient services.

Using the estimates described above, CSOSA requires the ability to make a minimum of 12,300 substance abuse placements per year (4,100 offenders \times 3 treatment placements) to meet the population's need. The fiscal year 2003 appropriation enabled CSOSA to make 2,021 treatment placements, or just 16 percent of the total estimated need.

Approximately 40 percent of offenders needing treatment are supervised at the Intensive or Maximum level, indicating a relatively high level of risk to public safety. CSOSA has focused treatment resources on this population to meet a higher percentage of need among the highest-risk offenders.

Question. What kinds of programs are people placed in? Residential or outpatient? How do you determine which service providers offenders are referred to?

Answer. CSOSA currently provides the following substance abuse services:

- 7-Day Medically Monitored Detoxification,
- 28-Day Intensive Residential Treatment,
- 120-Day Residential Treatment,
- 120-Day Residential Treatment and Transitional Housing for Women with Children,
- 180-Day Residential Treatment for Dually-Diagnosed Substance Abusers,
- 90-Day Supervised Transitional Housing,
- Intensive Outpatient and Outpatient Treatment,
- Traffic Alcohol Education Services.

In addition to the services above, CSOSA also provides the following in-house interventions:

- Substance Abuse Education Groups,
- Assessment/Orientation Groups (Pre-treatment services),
- Anger Management Groups,
- Sanction Groups.

The level of treatment recommended for each offender is determined by an evaluation conducted by CSOSA staff. The evaluation considers a variety of factors including pattern of drug use; amenability to treatment; prior treatment history; risk to public safety; and employment/living status.

Question. How does CSOSA coordinate supervised release with drug treatment and counseling if those services are not provided at the halfway house?

Answer. CSOSA does not provide treatment services to offenders residing in the halfway house on "inmate" status. For those individuals, the Bureau of Prisons provides contract treatment services. When the individual is released, the individual continues treatment under CSOSA's contract with the same vendor.

CSOSA staff assess offenders who reside in the halfway house on "released" status (parolee, supervised releasee or probationer under a Public Law placement) to identify their specific treatment needs. The offenders are permitted to leave the halfway house to attend substance abuse treatment sessions at the identified treatment program. Upon leaving the halfway house, the offender's treatment continues and, if needed, the offender is referred to the next level of care.

Offenders who enter supervision with no prior halfway house stay are assessed for treatment needs as part of CSOSA's intake and case planning process. If the offender has a release condition requiring treatment, placement is initiated at that time.

Once the individual is under CSOSA supervision, the Community Supervision Officer (CSO) is responsible for ensuring that the offender is in full compliance with the treatment plan, sanctioning the offender for any behavioral non-compliant acts, meeting with the treatment professional to facilitate offender compliance, monitoring the offender until successful completion of treatment, or referring the offender back to the releasing authority if continued non-compliance with treatment results in removal from treatment or unsatisfactory compliance.

SUCCESS RATE OF WOMEN OFFENDERS RE-ENTERING THE COMMUNITY

Question. What specific steps or initiatives are underway to enable successful re-entry of women?

Answer. Currently, CSOSA's Community Supervision Program (CSP) has several gender-specific programs to address the needs of female offenders. CSP contracts for residential placements in gender-specific residential programs, such as Demeter

House, which treats chemically-addicted mothers, who may be accompanied by their children while in the program. The Substance Abuse and Treatment Branch also provides weekly in-house group sessions for women. In addition, the Transitional Intervention for Parole Supervision (TIPS) program has a community supervision officer on-site at the Fairview Community Corrections Center to assist women with reentry issues. The Fairview CCC also may be used for public law placements and as an intermediate sanction for high risk/needs women offenders.

CSP is working to expand gender-specific programs. The expanded Reentry and Sanctions Center will contain a unit for female offenders. Additionally, a team of managers received training at the National Institute of Corrections Academy last year on implementing effective agency-wide programs for female offenders. The members of this team now are leading a work group to implement these strategies around such issues as victimization and trauma, mental health and medical problems, family and child rearing, and economic self-sufficiency. The Agency is working to:

- Implement additional, in-house gender-specific group counseling programs and training group facilitators;
- Develop a comprehensive training curriculum that provides information/tools for line staff and administrators to effectively manage female offenders;
- Compile a resource guide to ensure that Community Supervision Officers are aware of, and have access to, available in-house, community and government programs;
- Work with our faith-based partners to female women offenders are linked to mentors;
- Strengthen partnerships with the many community organizations and government agencies that provide services to this population; and
- Arrange child-care opportunities with our community partners to allow female offenders to engage in programming and supervision activities.

Question. Does CSOSA coordinate with the Child and Family Services Agency (CFSA) or D.C. Public Schools to follow-up on women re-entering family life?

Answer. CSOSA makes every effort to connect returning offenders with programs and services that can help them achieve successful reintegration in the community. While there is no agency policy requiring coordination, Community Supervision Officers (CSO's) informally confer and collaborate with the city's social services agencies on cases in which there is a common interest. The CSO may need to be aware of services the offender or her children receive from CFSA, or the CSO may initiate referral for such services. Typically, if the offender needs educational programming, s/he will be referred to a Learning Lab for assessment. The Learning Lab may refer the offender to D.C. Public Schools evening programs if appropriate.

CRIMINAL JUSTICE COORDINATING COUNCIL

Question. Is the CJCC well-equipped in its current status to continue to aide in the creation of seamless criminal justice services that enhance public safety and maximize resources?

Answer. Over the course of 2003-2004, the CJCC has been able to strengthen its position within the criminal justice community as a resource tool and a catalyst for system reform, institutional modification and program analysis. In January of 2003, the member agencies of the CJCC made a commitment to address a variety of issues by completing a multi-year strategic plan. These issues are being addressed through committees and workgroups using a process of careful investigation and recommendations. CJCC provides support to these workgroups through research, data collection and tracking. The CJCC is now in the process of completing its second, annual report for fiscal year 2003.

There is a general improvement in the trust and solicitation of multiagency approaches to problem solving which can only make the city services stronger and more efficient. Through the CJCC there has been the successful establishment of an infrastructure to support these multiagency efforts, report on progress and measure success. The support of the Mayor, D.C. Council, OMB and Congress has provided a strong foundation for the development of the CJCC.

RE-ARREST RATE AND PAROLE REVOCATION

Question. Would you please submit to the committee a comparison of the re-arrest rates and parole revocation hearings in the District to other jurisdictions of similar size? (Please coordinate response with PDS).

Answer. The percentage of offenders arrested while under CSOSA supervision was 18 percent in fiscal year 2002 and 15 percent in fiscal year 2003. Although comparable neighboring jurisdictions (i.e., Baltimore and Richmond) do not report their

rearrest data in a similar fashion, we will soon move to a more comparable reporting format—recidivism rates measured over a 24- to 36-month period for entry and exit cohort offender populations.¹

To accomplish the above reporting objective, CSOSA is exploring a data sharing agreement with the Federal Bureau of Investigations. This particular agreement will enable the agency to implement its recidivism studies by verifying and tracking all known and reported rearrests contained in the FBI's National Crime Information Center (NCIC). Once in place, ORE will collect and verify all known arrests for stratified random samples of entry and exit cohorts. We hope to begin reporting our 24- and 36-month rearrest rates beginning in the summer of 2005 and on a regular basis thereafter.

Between fiscal year 2001 and fiscal year 2003, the United States Parole Commission reported 768, 1,072, and 1,240 revocation hearings for D.C. offenders respectively. These hearings fall into three categories—institutional, expedited, and local. Only local revocation hearings require the presence of CSOSA's CSO's for introduction of facts.² A large share of these revocations resulted from hearings that were requested following an offender's persistent drug use and/or technical violations regardless of rearrest or prosecutorial decision to present charges to the judiciary.³

¹In January 2003, the Virginia Department of Corrections released a 3-year recidivism study indicating that nearly 30 percent of roughly 9,000 offenders returned to incarceration. Of those who returned, the greatest share returned within the first year.

²USPC [actual] local revocation hearings were 481 in fiscal year 2001, 660 in fiscal year 2002, and 562 in fiscal year 2003.

³The Virginia study also indicated that nearly of third of recidivists were revoked to incarceration following technical violation and the remaining following arrests for a new charge.

PUBLIC DEFENDER SERVICE

STATEMENT OF RONALD S. SULLIVAN, JR., DIRECTOR

Senator DEWINE. Let me invite our second panel up, which is one witness. Mr. Ronald Sullivan, Jr. is Director of the Public Defender Service in the District of Columbia. He was appointed Director in June 2002. Mr. Sullivan was in private practice here in the District and was a visiting attorney for the Law Society of Kenya. He sat on the committee charged with drafting a new constitution of that country.

Mr. Sullivan is leaving the Public Defender Service this summer to take a professorship at Yale. We welcome him.

Mr. Sullivan, thank you for being here today.

Mr. SULLIVAN. Thank you very much.

Senator DEWINE. Would you like to make a statement? And then we will have some questions.

Mr. SULLIVAN. Indeed, I would.

Good morning, Mr. Chairman, Senator Landrieu.

INTRODUCTION

I come before you today in support of the fiscal year 2005 budget request on behalf of the Public Defender Service for the District of Columbia, or PDS as we are commonly known as in the criminal justice system.

Throughout its history, PDS has maintained its reputation as the best public defender service in the country, local or Federal. PDS is a legal services provider that this Congress, this subcommittee, and this City can be proud of.

Our track record, both historically and recently, speaks for itself. Indeed, just this past summer the United States Supreme Court appointed one of our attorneys to a case of national importance. The case regarded the construction and application of 42 U.S.C. Section 1983, which forbids State officials from depriving individuals of their Constitutional rights under color of State law.

The exquisitely graceful brief produced by our attorney on behalf of a prison inmate proved convincing. Last Thursday, the Supreme Court ruled in a 9-0 opinion, adopting PDS's position. I ask you, when was the last time you recall this Supreme Court agreeing 9-0 on anything?

PDS'S FISCAL YEAR 2005 BUDGET REQUEST

With this backdrop, I move to PDS's fiscal year 2005 request. PDS requests \$29.8 million and 227.5 FTE in direct budget authority. This request includes \$2.3 million as our first ever capital investment in information technology.

The investment will provide for development of our case data management systems. It will enhance our security over privileged

attorney/client information, and it will reduce our risk of losing client information in the event of a local disaster.

Indeed, recently, the Cook County defender office in Chicago was virtually destroyed by fire. This sort of disaster can occur, and if the institutional defender service is not prepared, we risk grinding the criminal justice system to a halt.

Coupled with this technology investment, we are targeting to improve PDS's operational efficiencies in the areas of program planning and development, administration, human resources, and financial management. There is far more detail in my written submission, but suffice it to say PDS's skeletal professional support staff is woefully inadequate to support an agency of this size and scope.

PDS'S FISCAL YEAR 2004 ACCOMPLISHMENTS

Now, briefly to fiscal year 2004 accomplishments: As this subcommittee knows from recent press accounts, PDS, in its class action litigation against the District, recently filed a motion to place the D.C. Youth Services Administration in receivership as a consequence of its nearly two-decade long neglect of the District's most needy children. The District's lack of compliance with dozens of court orders to date is not acceptable.

In addition to its class action litigation, PDS represents individual citizens one at a time when they are faced with criminal charges.

One example illustrates how PDS affects the lives of D.C. citizens. Recently we represented a 70-year-old man. Let me call him John, so as not to further the injustice brought upon him. John was charged with felony gun possession. He had never been in trouble before. He worked part-time as a special police officer and was licensed to carry a handgun while on duty and to and from his home to work.

One day after work, he stopped at the headquarters—the headquarters of the special police officer's department—to pick up some work related paperwork. He forgot to remove his handgun before walking into the building, since, technically speaking, he did not work at the headquarters.

As a result of this mistake, John was arrested and faced the possibility of a felony conviction with a 5-year prison sentence. The conviction would have cost him his job, his means to supplement his retirement, and his spotless reputation, which he had built over 70 years.

Fortunately, John was represented by a well-trained public defender. The result—it took John's jury 10 minutes to elect a foreperson and render a verdict of not guilty.

PDS seeks fairness in every case it handles, and this is but one example of how PDS affects the lives of concrete people and the administration of justice in our Nation's capital. PDS's mission to represent indigent citizens in the District with diligence and zeal is clear and well defined. We do it responsibly. We do it efficiently. We do it cost effectively, but most importantly we do it well.

The Public Defender Service for the District of Columbia has been and continues to be this country's model defender agency. With your support, we will continue in this proud tradition.

PREPARED STATEMENT

I see the yellow light is on, which indicates that my time is nearly expired. I thank you for your time and attention. I would be happy to answer any questions that this subcommittee may have. Senator DEWINE. Thank you very much.
[The statement follows:]

PREPARED STATEMENT OF RONALD S. SULLIVAN, JR.

Good afternoon, Mister Chairman and members of the subcommittee. My name is Ronald S. Sullivan, Jr., and I am the Director of the Public Defender Service for the District of Columbia (PDS). I come before you today to provide testimony in support of PDS's fiscal year 2005 budget request. We thank you for your support of our programs in previous years.

The Public Defender Service, unique among local public defender offices in that it is federally funded,¹ has continued to maintain its strong reputation in the area of providing quality criminal defense representation in the District of Columbia. Just last week, the United States Supreme Court, in a 9-0 opinion, ruled for a PDS client in a case briefed and argued by a PDS attorney at the request of the Court.

This case is just the latest successful example of PDS's long history of providing quality defense representation. PDS has always been committed to its mission of providing and promoting constitutionally mandated legal representation to adults and children facing a loss of liberty in the District of Columbia who cannot afford a lawyer, and we have had numerous significant accomplishments in pursuit of that mission. However, before PDS became a federally funded entity, we did not always have sufficient funding to allow us to achieve as high a level of proficiency in our administrative functioning as we are known for in our legal representation. PDS's relatively new status as a federally funded entity² has created the opportunity for us to focus more on enhancing our administrative functions: in the past 7 years, PDS has established a human resources office, an information technology office, and a budget and finance office where none previously existed. To continue this "administrative maturation," PDS has a need for a more sophisticated structure that will permit not only the integration of these functions with each other and with PDS's program functions, but will permit the organization to better monitor performance and to achieve even greater results. In furtherance of these goals, PDS has already adopted Federal best practices in a number of support areas, and we are preparing to adopt additional Federal best practices in even more areas.

It is for these reasons that PDS seeks funding for our sole fiscal year 2005 requested initiative, the Program Management and Performance Integration Initiative. For fiscal year 2005, PDS requests \$29,833,000 and 227.5 FTE in direct budget authority, which includes a request for 8.5 new FTE and \$3,714,000 to support this new initiative. This proposed increase in personnel resources and funding—PDS's first ever Federal capital funding request—is consistent with the President's emphasis on achieving measurable results and improving operational efficiency.

BACKGROUND

Since undertaking in 1970 its intended role as a model public defender, PDS has developed and maintained a reputation as the best public defender office in the country—local or Federal. It has become the national standard bearer and the benchmark by which other public defense organizations often measure themselves. In a first ever employee survey conducted just 6 weeks ago, 99 percent of responding staff reported being proud of working at PDS. The independent firm that conducted the survey informed us that PDS received one of the highest overall scores the firm had ever observed in assessing staff commitment to an organization's mission. Congress and the District of Columbia can also be proud of this local defender office for our Nation's capital.

In the District of Columbia, PDS and the District of Columbia Courts share the responsibility for providing constitutionally mandated legal representation to people who cannot pay for their own attorney. Under the District of Columbia's Criminal

¹As a result of the National Capital Revitalization and Self-Government Improvement Act of 1997 (the "Revitalization Act"), PDS was established as a federally funded, independent District of Columbia organization. In accordance with the Revitalization Act, PDS transmits its budget and receives its appropriation as a transfer through the Court Services and Offender Supervision Agency (CSOSA) appropriation.

²See n. 1.

Justice Act (CJA), the District of Columbia Courts appoint PDS generally to the more serious, more complex, resource-intensive, and time-consuming criminal cases. The Courts assign the remaining, less serious cases and the majority of the misdemeanor and traffic cases to a panel of approximately 350 pre-selected private attorneys ("CJA attorneys"). Approximately 100 lawyers on staff at PDS are appointed to represent:

- a significant percentage of people facing the most serious felony charges;
- a substantial percentage of individuals litigating criminal appeals;
- the majority of the juveniles facing serious delinquency charges;
- nearly 100 percent of all people facing parole revocation; and
- the majority of people in the mental health system who are facing involuntary civil commitment.

While much of our work is devoted to ensuring that no innocent person is ever wrongfully convicted of a crime, we also provide legal representation to children in the delinquency system who have learning disabilities and require special educational accommodations under the Individuals with Disabilities in Education Act,³ people with mental illness who are facing involuntary civil commitment, and recovering substance abusers participating in the highly successful Drug Court treatment program.

PDS has also provided training for other District of Columbia defense attorneys and investigators who represent those who cannot afford an attorney, and provided support to the District of Columbia Courts. In addition, PDS has developed innovative approaches to representation, from instituting measures to address the problems of clients returning to the community who have been incarcerated to creating a one-of-a-kind electronic case tracking system. Other public defender offices across the country have sought counsel from PDS as they have used our work as a pattern for theirs. As Federal best practices continue to spread to the State and local level, PDS is ideally situated to become a model for how a public defender office can be operated most effectively in the 21st century.

FISCAL YEAR 2005 REQUEST

Program Management and Performance Integration Initiative

For fiscal year 2005, PDS requests \$29.8 million and 227.5 FTE in total direct budget authority. This request includes \$2.3 million as our first capital investment in information technology. The investment will allow us to expand our case and data management systems to provide more efficient attorney services. Software development and deployment, and associated hardware and licensing will enhance security of privileged attorney-client information and reduce our risk of loss of client information in the event of a local disaster.

Recent experience in Chicago drives home the importance to the smooth operation of the criminal justice system of ensuring that the defender organization can continue to operate even if its offices are damaged or its computer systems are destroyed. Last fall, the building housing the Cook County defender's main offices was virtually destroyed in a fire. Had the Cook County defender lacked the capacity to retrieve data from backup sources and create sufficient off site work terminals, the criminal justice system would have stalled, and representation would have been rendered ineffective.

PDS is also working to improve its operational efficiencies. PDS seeks \$1.4 million as the resources needed to reach a level of sophistication in program planning and evaluation, administration, human resources, and financial management that corresponds to PDS's reputation for quality defense representation. As explained in detail in our fiscal year 2005 Congressional Budget Justification, the \$1.4 million in requested support would be used for:

- program data collection and analysis;
- data system integration;
- performance planning;
- performance measurement;
- compliance with Federal standards for systems, accounting, and reporting; and
- coordination of electronic financial, personnel, and performance records.

Historically, PDS has maintained skeletal support in these critical administrative areas; however, increased performance assessment and accountability demands require that we improve our capacity in those areas. This need was also reflected in the results of the PDS employee survey; our scores were slightly lower on questions related to the quality of our administrative operations. Additional support for PDS programs and PDS attorneys will increase the potential for greater efficiency and

³20 U.S.C. § 1400, et seq.

effectiveness in carrying out PDS's mission. One of PDS's goals is to maximize the time that attorneys, investigators, and social workers spend doing that for which they are best suited—developing creative and effective ways to pursue justice in the District of Columbia.

FISCAL YEAR 2004 ACCOMPLISHMENTS

During fiscal year 2004, in addition to handling a variety of criminal, juvenile, parole, mental health, and other legal matters, PDS has been very successful in instituting changes to improve the overall quality of the District of Columbia justice system.

Fiscal Year 2004 Initiative: Appellate Response Initiative

In fiscal year 2004, Congress and the President provided a program increase for PDS totaling .5 FTE, and \$100,000 in support of one new initiative—PDS's Appellate Response Initiative. PDS used the funding to hire a new attorney in the Appellate Division, where the workload has increased by approximately 50 percent since the passage of the 1997 Revitalization Act without any corresponding increase in staff levels. The newest Appellate Division attorney began working just over 2 weeks ago; her work will contribute toward reducing the backlog of unfiled appellate briefs. This backlog is due to the staffing shortage and to the substantially shorter briefing schedules now being imposed generally in appellate cases by the District of Columbia Court of Appeals.

This additional resource will enhance the ability of attorneys in the Appellate Division to meet their obligations, which include providing constitutionally mandated appellate legal representation to individuals who cannot afford an attorney, responding to requests from the District of Columbia Court of Appeals and the Superior Court for amicus curiae ("friend of the court") briefs on complex or unusual issues in criminal cases, and devoting a significant amount of time to training both PDS and non-PDS lawyers.

GENERAL PROGRAM ACCOMPLISHMENTS

Criminal Justice System Reforms

PDS has remained vigilant in protecting the rights of the indigent in the District of Columbia criminal justice system in old cases and in new ones.

Well-being of Children

Throughout fiscal year 2003 and continuing in fiscal year 2004, PDS has drawn renewed attention to the conditions under which children live who have been committed to the care of the District of Columbia through the juvenile justice system. All experts agree that proper intervention in the lives of these children at this juncture is key to breaking the cycle of involvement in the system. Current conditions for committed children not only fail to advance the cause of reducing recidivism; current conditions actually promote recidivism among these children.

As a result of PDS's tireless 18-year effort in a case known as *Jerry M.*, the plight of committed children has been the object of intense examination in the media, in the political arena, and just last week in hearings before Superior Court Judge Dixon. In these hearings, PDS and co-counsel are seeking to have the District's Youth Services Administration put into receivership to finally produce the concrete changes necessary to save these children and protect the community. Whatever the outcome of this litigation, the plight of these most vulnerable children will improve because this case has put YSA on notice that the city and the public are watching. Through this lawsuit, juvenile justice experts have had an opportunity to examine the children's living conditions and recommend concrete actions that YSA or a receiver will be able to take to immediately improve the well being of committed children.

PDS has carried out this litigation while simultaneously providing services that address every aspect of a child's involvement with the court system in innumerable individual cases and in innumerable ways. Among the most important have been: (1) developing qualified attorneys to represent children by generating hours of training for court-appointed counsel who practice in the new Family Court; (2) increasing the services to children with educational disabilities through litigation handled by PDS lawyers with expertise in special education advocacy; and (3) working collaboratively with a wide variety of organizations to help children transition back to the community. This last effort is a direct result of a fiscal year 2002 initiative establishing our Community Re-entry Project, which carries on to this day.

In fiscal years 2003 and 2004, PDS approached Catholic University about providing services to girls committed to the care of the District of Columbia. With

PDS's experience and expertise, a proposal has been developed for creating a group home for girls on the university's campus, serviced by the university's graduate programs. The proposal includes long-term involvement by the university in the lives of these girls, or what experts refer to as "after-care." The proposal calls for providing school services, health care, mental health services, family services, and mentorship not only while the girls reside on campus but also after the girls leave the group home and transition back into our community. Such a wrap-around approach to caring for committed children could be developed at every university in this city. The potential of such programs for saving the lives of District of Columbia is enormous.

PDS is committed to staying on the forefront of looking for ways to improve the treatment of children involved in our court system.

Fairness in the Criminal Justice System

A logical outcome of PDS's vigorous pursuit of its mission is the attention PDS devotes to identifying and addressing questions related to fairness in the criminal justice system. PDS champions this cause in every single case it handles. Because these are too numerous to describe, we focus on three cases and one project that are illustrative.

Special police officer.—Recently in the Superior Court for the District of Columbia, our client, a 70-year-old former sergeant in the Marine Corps, was charged with felony gun possession. Our client had never been in trouble before. He operated his own security business and worked as a part time special police officer. He was licensed to carry a handgun while on duty and while traveling between his home and his work. One day on his way to work, he stopped at a District government office to drop off a form to renew his business license, forgetting that he was wearing his gun in its holster. As a result of this innocent mistake, he was arrested and charged. He faced the possibility of a felony conviction and 5-year prison sentence. The conviction would have cost him his business—his means to supplement his retirement income. Fortunately, he was represented by a well-trained and dedicated public defender. The result—it only took his jury 10 minutes to elect a foreperson and render a verdict—not guilty.

Detention order reversed.—Another example involved appellate and trial representation. Recently, PDS represented a young man charged with murder in an appeal from the trial court's decision to hold him in jail until his trial. The Court of Appeals upheld the trial judge's ruling that there was sufficient reliable evidence to justify holding our client in jail until his trial. What the trial court, the Court of Appeals, and PDS did not know at the time this appeal was argued was that the prosecutor had failed to reveal all the relevant facts during the hearing before the trial judge. Through tenacious litigation and a persistent search for the truth, PDS uncovered evidence making it clear that the government's eyewitness was very suspect: the government's eyewitness was not simply a bystander as the trial court had been led to believe, but, rather, the witness had participated in shooting the victim and had only implicated PDS's client as part of an effort to secure a deal with the government. Once PDS uncovered the truth, PDS undertook consultations at the highest levels with the United States Attorney's Office, resulting in a very unusual joint motion to vacate the Court of Appeals opinion, an opinion that was rendered on a compromised set of facts. The result—the opinion was vacated, the integrity of the court was preserved, and truth—and thus justice—prevailed. Later, the United States Attorney's Office, after weighing the merits of the murder case itself, dismissed the charges against the PDS client altogether.

Erroneous eyewitness identification.—Finally, PDS has been advancing the position for several years that eyewitness identifications can be inaccurate. Recent studies of cases where DNA has exonerated individuals have demonstrated that in the vast majority, eyewitnesses were mistaken in their identifications. Indeed, we know that defendants in the District of Columbia have been wrongfully convicted as the result of erroneous eyewitness identifications: more than a decade ago, a Superior Court jury convicted a former PDS client of multiple felonies in large part because of mistaken eyewitness testimony. After spending a year in prison, our client was exonerated by DNA evidence. Cases like these undermine public confidence in our criminal justice system. And yet, every single day, District of Columbia courts are allowing juries to evaluate eyewitness testimony without accurate information about its limitations.

Over the past 30 years, social scientists have identified many of the specific reasons that eyewitnesses make mistakes. For example, studies have shown that a witness's subjective confidence in the strength of her identification has virtually no correlation with the accuracy of the identification. Unfortunately, the lay public, uninformed that social science and empirical evidence undermine reliance on such evi-

dence, routinely misjudges what weight to give eyewitness testimony. Introduction of accurate social science evidence into the courtroom, and the use of jury instructions that accurately reflect this science, would go a long way toward preventing these kinds of errors.

PDS has already begun to lay the groundwork to update this sort of ungrounded legal thinking so that criminal cases will be decided on the basis of reliable science. PDS has developed model instructions, identified experts, and most recently conducted a jury survey to demonstrate conclusively to jurists in the District of Columbia that the average juror is not familiar with current scientific research regarding eyewitness identification and that jurors can benefit from the testimony of experts when evaluating eyewitness evidence. Bringing the law in the District of Columbia in line with more than 16 States, including Alabama, Arizona, California, New Jersey, Oklahoma, Texas; multiple Federal circuits; and the United States Army Court of Criminal Appeals is yet another example of PDS's ongoing efforts to provide quality representation.

These are but a small sample of how PDS positively affects people's lives and the administration of justice here in the Nation's capital.

OTHER PROGRAM ACCOMPLISHMENTS

PDS engaged in a number of activities during fiscal year 2004 that improved the overall administration of justice or that had significant implications for individual clients.

Appellate Division

The Appellate Division's appellate litigation has impact throughout the District's criminal justice system as decisions in their cases often establish or clarify the standards trial court judges and litigants must follow in criminal and juvenile cases. The complex and novel legal issues the Division is called upon to address therefore are best handled by experienced and talented attorneys—which the Division has no lack of. As previously noted, in fiscal year 2003, even the highest court in the land looked to the Appellate Division for assistance.

Supreme Court litigation.—The Supreme Court of the United States appointed an attorney from the Division to represent an incarcerated man where the Federal courts of appeals had issued conflicting opinions on the applicability of a rule to lawsuits challenging the conditions of confinement, but not implicating the fact or duration of confinement, i.e., matters lying at the core of habeas corpus jurisprudence. The Supreme Court recently ruled unanimously in favor of the arguments advanced by the PDS attorney.

Failure to disclose bias.—In a case in which for 10 years the Appellate Division challenged the United States Attorney's Office's refusal to comply with its obligation to provide exculpatory information, the trial court issued an order granting a new trial for a client whose trial on a murder charge was marred by secret payments from the government to the sole eyewitness and by a prosecutor who incorrectly argued to the jury that the government had done nothing to benefit the witness. The Appellate Division obtained two reversals of trial court post-conviction rulings before the trial court ultimately decided that PDS's post-conviction pleadings warranted a new trial.

Prosecutorial misconduct.—In another lengthy case involving exculpatory evidence, the Appellate Division advanced First Amendment claims to convince the United States District Court for the District of Columbia to unseal the post-conviction proceedings in a Federal court conspiracy case. The court documents in that case included, among other things, a Department of Justice Office of Professional Responsibility report concluding that a prosecutor had committed misconduct by misusing government funds to pay government witnesses and their families and friends. The District Court ultimately ruled in PDS's favor in November, after Appellate Division lawyers had been litigating for almost 2 years to allow the light of public scrutiny to shine on court proceedings.

The Appellate Division has been seeking a new trial on behalf of that same client as a result of gross misconduct by the same former Assistant United States Attorney whose malfeasance is detailed in the now-unsealed OPR report. Among other claims, our motion shows that the prosecutor misused a fund for the payment of court witnesses to provide secret payments to witnesses at the trial of our client. This misconduct parallels some of the misconduct that the Justice Department's own internal investigation uncovered in the Federal court case.

Government admissions.—In still another case involving the government's duty of fairness, the District of Columbia Court of Appeals ruled that certain statements in a search warrant affidavit endorsed by an Assistant United States Attorney constituted government admissions and could be introduced by a PDS client at his trial.

This ruling is important because it meant that the government would pay an evidentiary price for taking opposite positions on critical factual questions in two different proceedings. The case is also important because it is one of the most developed decisions on the question of when government submissions in court constitute admissions.

Attorney-client privilege.—In *In re PDS*, the Court of Appeals wrote an opinion that may be one of the most extensive discussions of an issue of national importance—namely the scope of the crime fraud exception to the attorney-client privilege. In this case, a trial judge had held PDS in civil contempt (but stayed execution of any penalty upon PDS's representation that it would comply with the court ruling if affirmed on appeal) for refusing to disclose information it believed to be protected by the attorney-client privilege. The Court of Appeals concluded that PDS was acting within the highest standards of the bar in investigating the case as it had, and that the information held by the PDS lawyer was protected by the attorney-client privilege because the elements of the crime fraud exception had not been shown.

Habeas corpus litigation.—In a series of cases involving Appellate and Special Litigation Division attorneys, we have been litigating the question of whether District of Columbia judges have habeas corpus jurisdiction over cases involving clients with District of Columbia law issues, but who are incarcerated outside the District. We have litigated this question in both the District of Columbia Court of Appeals and in the United States Court of Appeals for the District of Columbia Circuit. The question is now pending before the United States Supreme Court in a separate case. The question is immensely important to our clients and to District of Columbia citizens, because in the wake of the Revitalization Act, District of Columbia prisoners were moved from the now closed Lorton facility to non-District facilities. Because these prisoners were sentenced in the District's courts for violations of local District of Columbia laws, and because their parole is governed by laws unique to the District of Columbia and generally involves facts that occurred in the District of Columbia, the most logical forum for hearing District prisoner claims is the District of Columbia courts where the bench and bar have substantial expertise in addressing District law questions. In fact, the District of Columbia government has supported PDS's position—not the Federal Government's—in this litigation.

Special Litigation Division

The Special Litigation Division's focus on systemic issues in the District of Columbia justice system leads it to litigate those issues before every court in the District of Columbia—the Superior Court and Court of Appeals in the local system, and the District Court, the Court of Appeals, and the Supreme Court in the Federal system. These are some of the highlights of our litigation:

Conviction of the innocent.—With the advent of DNA testing, we now have evidence that the American criminal justice system sometimes produces demonstrably wrong results—innocent people are convicted, and the real culprit goes free. DNA testing is a powerful tool for catching these mistakes, but its scope is limited to the few cases in which biological evidence is available, can be tested, and is connected to the crime. For every DNA exoneration, there are countless cases where testing cannot help because no DNA was left at the scene, the biological evidence was too degraded to obtain a conclusive result, or the evidence that was once there has been lost or destroyed.

In order to effectively address the recurring, institutional problems that contribute to the conviction of the innocent, PDS's Special Litigation Division has focused on two major problems revealed by the DNA exonerations: common misperceptions about the reliability of eyewitness identification evidence, as described above, and juror misunderstanding of the demonstrated phenomenon of “false confessions”—situations in which someone who did not commit the crime admits to it anyway. PDS's Special Litigation Division has marshaled a variety of resources on these subjects, including social science research, testifying experts, surveys of potential jurors to determine the reason for their failures to properly understand these subjects, and information about the causes of wrongful convictions around the country, in order to help the courts begin to address these problems systematically. The focus of these projects is to allow the defense to point out potential flaws in the reliability of seemingly solid evidence, so that the adversarial system will work more efficiently and not continue to produce wrongful convictions at such an alarming rate.

Unfair delay in release from jail.—Another recurring problem in the District of Columbia's criminal justice system is its failure to release people who have been found not guilty after trial or whose charges have been dismissed. While local corrections officials have asserted some need to “check”—often for several days—to ensure that the right person is being released and that the case really was dismissed,

other systems around the country have managed to do this before the charges are dismissed so that people can be released directly from the courtroom. Los Angeles, for example, has developed a model procedure that ensures that people with no pending charges are not held in jail unnecessarily.

The Special Litigation Division has contacted local corrections officials and attempted to educate them on the extreme unfairness and likely illegality of the current system, and has prepared model pleadings for lawyers at PDS to use to attempt to secure speedy release for clients who are no longer facing criminal charges. Because local officials have proven unreceptive, however, PDS also has been cooperating with the lawyers litigating a class action lawsuit against the District to address this issue.

Special education services for youth at the D.C. Jail.—The Federal Individuals with Disabilities Education Act⁴ was enacted to ensure “that all children with disabilities have available a free appropriate public education that emphasizes special and related services designed to meet their unique needs.” The youth housed at the District’s jail are clearly entitled to these services—and need them most desperately—but are not receiving anything close to what the law requires because the District’s public school system and the D.C. Department of Corrections do not have any comprehensive system in place for identifying those youth who are entitled to special education services at the jail, and for providing those services to them. PDS’s Special Litigation Division is currently seeking to compel the District’s school system and Department of Corrections to provide these important services.

Civil Legal Services Unit

Special education services for children in delinquency cases.—PDS continues to meet the need of children in the delinquency system for special education advocacy. The Unit’s attorneys specialize in advocacy under the Individuals with Disabilities in Education Act, which mandates special accommodations in public schools for children who cannot be adequately educated in a traditional classroom setting due to a learning disability or other challenge. The Unit’s attorneys ensure that children receive an appropriate diagnostic assessment and work with the school system to secure alternative educational programs. This past year, the Unit doubled the number of PDS juvenile clients who are receiving appropriate special education services and treatment in community schools and non-correctional facilities as an alternative to detention and commitment.

Offender Rehabilitation Division

Our Offender Rehabilitation Division offers clients access to resources they often could not find on their own. The benefits to the clients come in many areas, including employment, education, and housing.

Employment.—Over many years, a former star athlete on a professional team lost everything—his job, his family, his home, his friends, and his pride—to cocaine. He began selling drugs, he was arrested, and he wouldn’t accept anyone’s help before he was referred to ORD. At the time our staff became involved, he didn’t even have enough money for a \$10 ID card. Through ORD’s intervention, he gained the courage to interview for a job at a local trade association where he began an intensive job training and parenthood program. The result—he graduated from the program and has gone on to be a successful fundraiser for the association. He has not only gone from being involved in the criminal justice system to being a productive member of our community—he has gone even further and is giving back.

Education.—A young woman who had been in the neglect system virtually all of her life later was charged with a juvenile offense and sent to the District’s juvenile detention facility in Laurel. The Division assisted her in moving into a therapeutic group home, and now she is enrolled as a freshman at a local university where scholarship programs are paying for her education.

Public benefits.—Some of our most challenging clients are severely mentally ill persons who are arrested on less serious charges, but incarcerated pending trial, and who are without support systems. Their incarceration results in the cancellation of all their benefits (SSI, SSDI, Medicaid). Without their benefits, our clients lose access to affordable housing and some essential services. Because of the collaborations that the Offender Rehabilitation Division staff is developing with a number of agencies and with individual contract providers of mental health services, this situation is improving. More and more of our severely mentally ill clients are now able to obtain financial benefits, housing, intensive outpatient mental health services, and in the last year, we have had tremendous success helping these clients re-enter the community without re-offending.

⁴20 U.S.C. § 1400, et seq.

Training

Forensic science conference.—In addition to PDS's usual training efforts (e.g., annual Criminal Practice Institute and CPI Practice Manual, courses for court-appointed CJA attorneys and investigators), PDS coordinated and presented its first forensic science conference last summer using funds from a Department of Justice grant program. This free training program for defense attorneys included as presenters a number of nationally known forensic science experts. The success of this conference led the grantor to award funding to PDS for a similar conference to be held in May of this year.

Investigator certification.—After adopting an investigator training proposal from PDS, the Superior Court implemented a requirement that all CJA criminal investigators be certified, receive initial training, pass a background check, and maintain their certification by attending PDS training. Senior PDS investigators and PDS staff attorneys prepare the training materials and coordinate training sessions on all aspects of criminal investigation to allow CJA investigators to maintain their certification. Over the past 2 years, PDS has held nine 20-hour training sessions and has certified 188 CJA investigators. PDS has scheduled two additional sessions in July and November 2004. This program is designed to ensure that now, and in the future, there are sufficient qualified investigators to assist CJA attorneys.

Special education.—PDS's special education attorneys provided training in the fall to new Superior Court judges on special education issues relevant to children involved in the delinquency and neglect systems.

Administrative Accomplishments

PDS has been able to institute additional improvements in its operational functions. Particularly now that PDS is a federally funded entity, we seek to reach a corresponding level of sophistication in the administration and execution of our responsibilities. Recent improvements made by PDS provide the necessary infrastructure to support our programs and our program staff and increase the potential for greater efficiency and effectiveness in carrying out PDS's mission.

Case management system.—PDS has expanded internal access to its self-designed case tracking software. The program, "Atticus," provides comprehensive case management functionality for PDS attorneys, staff, and management. Atticus now links the Trial, Investigations, and the Offender Rehabilitation Divisions to streamline referrals and processing for criminal and juvenile cases. Attorneys, investigators, and program developers can now report and track case events in a central electronic location, reducing or eliminating staff's reliance on less efficient means of communication, and ensuring that all staff who share responsibility for an individual case are kept fully informed on all case developments as needed.

Strategic planning.—PDS has developed an Office of Management and Budget-approved 5-year strategic plan similar to the plans required of Federal executive agencies under the Government Performance and Results Act. PDS has also prepared a draft annual performance plan that has received preliminary approval from the Office of Management and Budget. PDS has begun to establish the baseline measures described in its plans in preparation for implementing the strategic plan in fiscal year 2005. PDS continues to make progress toward establishing the administrative infrastructure necessary to support the development of a performance-based budget request.

Appellate brief bank.—PDS has completed the establishment of an appellate brief bank that consists of briefs filed in the Appellate Division's cases over the past 25 years. This searchable, comprehensive brief bank now provides far easier, more effective access to previously completed research, enabling attorneys to avoid unnecessary duplication of effort.

Each of the above reforms, cases, or projects has contributed to a better, more efficient criminal justice system, or has improved the quality of services provided to people who cannot afford an attorney in the District of Columbia justice system. These activities are all consistent with PDS's goal of efficiently providing representation by qualified attorneys to those PDS is dedicated to serve.

CONCLUSION

PDS's current increased focus on enhancing its administrative functions represents a further step toward better serving clients and toward better serving as a model defender organization. The right to a qualified attorney for people who cannot afford one can be read to include an expectation that representation will be provided to clients not only effectively, but also efficiently. As PDS has been in the forefront in meeting and exceeding the standards defining what it means to satisfy the

requirements of the right to counsel, it can also be on the forefront in modeling excellent financial and management practices in support of that right.

I respectfully request your support of this initiative, and I would like to thank the members of the subcommittee for your time and attention to these matters and for your support of our work to date. I would be happy to answer any questions the subcommittee members may have.

Senator DEWINE. Senator Landrieu.

PDS DIRECTOR SULLIVAN'S DEPARTURE

Senator LANDRIEU. Mr. Sullivan, I want to say that we greeted the news of your leaving to go to Yale with very mixed emotions, because you have, you know, done an outstanding job, and your leadership has been really extraordinary, and your commitment very inspiring, but we wish you the best at Yale.

I am hoping, though, that before you leave that you will—and I am certain you will—give some indication of some others that could follow in the leadership that you have outlined because this is truly a very important agency for the District and for the Nation. And while we have made great progress, there is still some tremendous challenges, as you are aware.

So I, for one, would be interested in your, you know, private comments along those lines. And as you leave, what three to four focuses should we give special attention to?

Mr. SULLIVAN. Well, I thank you very much for your kind words first of all. It is bittersweet for me, as well. I was, in a sense, born and raised in this agency. I started as a staff attorney in this agency, and I bleed the colors of PDS.

So it is with mixed emotions that I leave. I do look forward to my new opportunity, and I have promised to send many bright young law students to Washington, DC to be public defenders, so in that way I will still contribute.

As to my successor, the search started in February, early last month, and applications are due by the 16th of March. And by the end of March, beginning of April, I anticipate that our board of trustees will have selected a new director.

I happen to know that our very capable deputy director, Avis Buchanan, who is sitting behind me, is applying for the directorship, and I certainly wish her well in that endeavor.

IMPORTANT ISSUES FACING THE DISTRICT OF COLUMBIA

As to—from our perspective, as to the three or four most important issues facing the District, at least with respect to the criminal justice system, No. 1, I would speak about forensic issues. I have written in detail in my written statement, particularly about some of the science that we are becoming acquainted with with respect to identifications.

We have seen in the DNA context that for an overwhelming majority of persons who have been convicted and incarcerated, sometimes for years, but DNA evidence has exonerated them, the principal basis of the conviction was a false identification. And in almost every time, it was nothing vindictive about the identification. It was an honest mistake.

Over the past several years, psychologists and professors in psychology departments in universities across the country have been

looking into this issue of identification and, frankly, we have learned a lot about how to do identifications, the best way that police should present lineups, and a whole host of issues surrounding how we can better our identification processes.

Some States, New Jersey for example, have adopted sweeping changes in their identification procedures. And we have encouraged the District of Columbia to do the same. We have presented the Court with some of the social science findings about identifications.

And, indeed, I have been in a room with—filled with lawyers where most of the room picked the wrong person. There is a video clip, and it would sort of replicate a crime and then, you know, show different pictures. We have learned, for example, that identification is a relational concept. That is to say, if you show somebody six pictures, the mind tends to work in a way that you pick the one that looks most like who the perpetrator was. Whereas, if you show pictures in sequence, then that is a much better way to get at the actual perpetrator.

So at any rate, I do not want to bore you two with a litany of the problems with our current identification system, but it has resulted in—and we know because of DNA that it has resulted in false convictions, and that is something that we are working to eradicate.

We have begun in the last couple of years a forensic practice group at the agency, where we are looking into not only that, but DNA sciences, mitochondrial DNA is becoming a much more important aspect of the criminal justice system; the metallurgy science, with respect to bullets and that sort of thing, these are all very important issues. So that is one.

Second, I would say jury pool issues. There are problems in the District with respect to a too narrow jury pool. We are working with the Court to see what we can do to expand the jury pool so that all citizens can, as is consistent with their due process rights and the Constitution, participate on the juries in the District of Columbia.

So those are two sort of overarching issues to give you an idea of some of the things we are working on.

Senator LANDRIEU. Very good. Very helpful. Thank you.

IN RE JERRY M. LITIGATION

Senator DEWINE. Good. Mr. Sullivan, your agency is suing the District on behalf of children in the juvenile justice system. And you cite years and years of the system failing these kids.

Your lawyers told a D.C. Superior Court judge last week that the court-appointed receiver should take over the Youth Services Administration, to operate the agency and report to the Court every 2 months about changes and improvements. I wonder if you could give us some information, more information about this suit and what problems you see with the City's Youth Services Administration?

Mr. SULLIVAN. The problems frankly, Mr. Chairman, are legion. It has been nearly two decades of not complying with even the most basic requirements for the health and safety of the most needy children in the District.

One example, I think, will illustrate just the mind-set of this particular agency with respect to the children. Recently, we were in the hearings, my agency was in the hearings in front of Judge Dixon, and one of the complaints that we made in our receivership application was that children had to stuff towels—and this is at Oak Hill, the juvenile detention center—towels in holes in their rooms to keep rats from coming in at night.

The question the District posed to the expert who produced this finding was that, “Well, sir, could it be that these are not rats, but they are very large mice,” as if that in some way justifies the presence of rodents in the children’s rooms.

I mean, and that is just one example that is just indicative of some of the problems, but the report from the inspector general, I think, in many ways lays out some of the most critical shortcomings of the Youth Services Administration. For example, numerous residents who tested negative for drugs when they went into this locked, secure facility tested positive for marijuana and PCP once they were in there.

Senator DEWINE. That is unbelievable, is it not?

Mr. SULLIVAN. And unacceptable.

Senator DEWINE. And it is shocking.

Mr. SULLIVAN. And unacceptable. And the inspector general postulated that the guards were the source of the illegal contraband.

In violation of every fire prevention and safety requirement imaginable, locks on the housing unit doors are manual and cannot provide safety in the event of fire. Oak Hill did not have a trained health and safety officer there.

Nearly 100 percent of the youth at Oak Hill are—test positive for drugs. It is—I mean, the list goes on and on and on. And it has been like this for nearly two decades.

Senator DEWINE. Well, that is what is shocking, is that it has been that way for two decades. And so Senator Landrieu and I are, you know, are going to hold a hearing. And it may take more than one hearing, frankly, to review the District’s juvenile justice system.

We want to hear specifically, you know, how the system is broken, why the City has been unable to fix this problem in almost two decades. You know, when you hear these—what the facts are, it just, you know, has to trouble anybody. You know, I am troubled to note that children in the city as young as 10 who are merely truant or victims of a failed foster system are being incarcerated with serious teenage offenders. I mean, that just has to trouble anyone, you know. You know, that is not supposed to take place anywhere in this country today. We passed that a long, long time ago, I thought, in this country.

You know, we hear that system allowed a 12-year-old boy to be sexually assaulted by nine other boys while incarcerated at the City’s detention facility. We have learned that drugs are readily available as you point out in the facility. Where are they coming from? You know, we can only surmise or guess.

So we are going to hold a hearing. Senator Landrieu and I are going to do that. And if it takes more than one hearing, we are going to bring in the people who know about this, and we are going to talk to them, and we are going to try to get to the bottom of this.

So we appreciate your diligence on this, and what the lawyers who work with you have done in this area. We congratulate you for your diligence in this area.

Senator Landrieu, anything else?

Senator LANDRIEU. No.

Senator DEWINE. Should —

WASHINGTON POST ARTICLE

Senator LANDRIEU. Well, I do, actually, want to submit for the record, and maybe you can respond to this briefly and in writing. There was a case—and I know we are short on time, Mr. Chairman, but there is a case pending—if the staff will help me find the news article in The Post a couple of days ago. Here it is. The case of lengthy delays, Ida and Charles Chase were arrested in the slaying of Julius Alderman during an apparent robbery. This was 6 years ago.

I understand that subsequently Mr. Chase has died of a heart attack, but Ida is still in jail, 6 years waiting for the trial. And every time we try to go to trial, something happens. Can you just comment about this, so that I can——

Mr. SULLIVAN. Yes, absolutely.

Senator LANDRIEU. Briefly, and then perhaps at—more at length in writing?

Mr. SULLIVAN. Yes, absolutely. I will comment very briefly to the degree I can. I, obviously, cannot divulge any confidential information.

However, I can say that Ms. Chase maintains her innocence and is anxiously anticipating her trial date. It has been too long. There have been delays in this trial. She wants to go to trial, and she wants to prove her innocence, and the attorneys on the case are committed to doing that.

I will say just parenthetically, and I do not—unless obviously you are inclined, I do not want to get into a back and forth. If the predicate of the question has to do with the article, that is, in my view, one of the most irresponsible pieces of journalism that I have ever experienced and certainly beneath the standards of a major newspaper. It is replete with omissions and misstatements and allows for inferences that are factually false.

For example, I will just take the very last continuance. They make a lot about that in the paper. They say the defense asked for more time to review evidence. Well, what happened was that a month before trial, the FBI indicated to us that they found two additional hair samples that had not been disclosed before and had not been tested.

We said, “Well, we need to test those.” One of them was on a piece of duct tape, which is very important to the facts of the case, which I will not go into.

We said, “We need to test it. We need a brief time to get it tested. It will take a few weeks from the lab, and we are ready to go.”

The Court granted it. The prosecutor did not oppose it. The prosecutor said, “I am tied up from January to July. So it is in July.”

So the article says, “Oh, defense asked for a pass. There is a seven-month delay.” But it does not mention that, “Well, the reason

for this delay, for example, is that there is a—the prosecutor was not available for seven months.”

There was one other huge omission. The article indicated that Judge Bowers said that there will be no further continuances and granted two more, but simply did not mention that what happened was that the D.C. Council passed the Innocence Protection Act, and our client, with advice of counsel, asserted her rights under the Innocence Protection Act to pre-trial testing of biological material, recognizing that that would delay the start date. But there was material that was back in, oh, boy, April—somewhere around April of 2002, the IPA was passed.

All of the biological material was supposed to be disclosed and, you know, we still did not get those two hairs until a couple of months ago. So there is a lot that happened in that case. I do agree that it was—it is too long. We are anxious to get to trial. But for the article to lay the blame simply in the defense attorney’s lap is wrong. But we are ready to go, and we think that it is going to be a good result.

Senator LANDRIEU. And I appreciate it. And you have made—you know, you have made very direct and excellent and clarifying comments.

ADDITIONAL COMMITTEE QUESTIONS

But I would just say to the Chairman that we do have a challenge on our hand to create a system where neither those that are accused of a crime have to wait 6 years in jail for their day in court, nor those victims that have suffered terribly have to wait that long. So let us get about the work, Mr. Chairman, and thank you very much.

[The following questions were not asked at the hearing, but were submitted to the Service for response subsequent to the hearing:]

QUESTIONS SUBMITTED BY SENATOR MARY L. LANDRIEU

RE-ARREST RATE AND PAROLE REVOCATION

Question. Would you please submit to the Committee a comparison of the re-arrest rates and parole revocation hearings in the District to other jurisdictions of similar size?

Answer. Statistics comparing the District’s parole revocation rates to those of cities of a similar size are difficult to obtain, in part because there is no longer a local paroling authority that maintains such statistics for D.C. parolees. As of August 5, 1998, through the implementation of the Revitalization Act,¹ the U.S. Parole Commission assumed responsibility for making parole decisions for D.C. Code offenders. The Commission estimates that slightly fewer than 50 percent of D.C. parolees return as parole violators. However, most of these “violators” are charged not with new crimes, but with minor administrative violations such as failing to meet with their parole officer, failing to obtain steady employment, or failing to overcome their drug addiction.

Last year, parole boards nationwide conducted 143,154 violation hearings with California, New York, and Texas conducting 50 percent of them.² In the District of Columbia, the Public Defender Service represented 1,349 persons who were facing revocation of their parole before the U.S. Parole Commission. Most of these individuals had not committed new crimes but had failed to follow a condition of parole release.

¹National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105-33.

²Association of Paroling Authorities International, Parole Board Survey 2002.

There has been a 652 percent increase in the number of parole violators, according to an analysis of the U.S. Bureau of Justice Statistics (BJS) data by the non-partisan Urban Institute.³ In fiscal year 2002, 19 State paroling authorities reported an increase in resources in order to keep up with the demands created by the volume of revocation hearings.⁴ Twelve States had double digit increases in their parole population in 2002. Four States had a parole population increase of 20 percent or more: North Dakota (27 percent), New Mexico (26 percent), Kentucky (23 percent), and Oklahoma (21 percent).⁵ Nationally, this was the largest increase in the parole population since 1995.

The lack of community resources is an overwhelming stumbling block to successful re-entry. Many parolees lack the educational or vocational skills necessary to become productive members of society. A parolee who has lost everything that he has accomplished due to technical parole violations must start anew upon his return to the community. According to a report from the Association of Paroling Authorities International, housing is the number one issue facing parolees upon their return to the community.⁶ Other issues they face include a lack of available, licensed, substance abuse treatment and vocational/employment resources and services. The chronically ill, the elderly, and women particularly face insurmountable obstacles.

We echo the sentiments of Oakland Mayor Jerry Brown: "The revolving door is failing. They aren't getting the marketable skills and literacy they need in prison. It's a big huge problem."⁷ Parole violators leave the prison walls but they cannot leave the stigma associated with incarceration. A study on public attitudes toward prisoner reentry revealed that most respondents were aware that prisoners face daunting obstacles in returning to the community and establishing a noncriminal lifestyle. Most admitted, however, that they had not given much thought to prisoner reentry.⁸ Many persons leave prison with no particular place to go and very little support or monitoring.

One of the goals of PDS's Community Defender Program is to educate ex-offenders, including those on parole, about their legal rights and responsibilities following their release on parole. To that end, the bilingual Community Re-entry Program Coordinator regularly makes presentations at offender orientations hosted by the Court Services and Offender Supervision Agency, particularly those targeted at Spanish-speaking clients. The CRP has also presented educational sessions to other groups, including women at the Washington Transitional Center who are parolees. Topics covered in the educational presentations include housing, employment, family law, public benefits, sex offender registration, DNA testing, immigration, and community resources that are available to ex-offenders and parolees. The CRP, along with the Parole Division, has also developed an outline covering the same topics, which will be presented at the D.C. Jail to prisoners pending release.

DNA SAMPLE COLLECTION RESPONSE INITIATIVE

Question. With the increase in cases involving DNA, have you found, informally, that fewer convictions are overturned on appeal?

Answer. There are two reasons why the advent of DNA technology is not likely to result in fewer cases being overturned on appeal. First, very few cases involve biological evidence and, second, quality control issues affecting the reliability of DNA evidence are likely to generate more rather than less appellate litigation for the foreseeable future.

To date, there have been relatively few DNA cases in the District of Columbia, and potential DNA cases represent a very small sample of the cases in the criminal justice system. That is, only a small fraction of criminal cases present situations where DNA can be used to exonerate someone (because biological evidence is often not present or not preserved), and in even fewer cases can DNA inculpate someone (because it is more difficult to show a "match" than an exoneration when, for example, the sample is degraded—allowing for minimal analysis, or the sample is a mixed sample—a sample in which more than one person's DNA is present).

³See, "7-Fold Jump in Parolees Sent Back to Prison Since 1980, 1 in 3 State Prison Admissions is Result of Parole Violation," Urban Institute, November 2, 2002.

⁴Association of Paroling Authorities International, Parole Board, Survey 2002.

⁵Bureau of Justice Statistics Bulletin, "Probation and Parole in the United States, 2002," August 2003, NCJ 201135.

⁶Association of Paroling Authorities International, Parole Board Survey, 2002.

⁷See, "Parole Violators Crowd California Prisons," Associated Press, Newsday.com, March 8, 2004.

⁸See, "The Revolving Door: Exploring Public Attitudes Toward Prisoner Reentry," March 2002, Urban Institute.

In the District of Columbia, there has been and will continue to be considerable litigation concerning the reliability of DNA results as the technology changes and as forensic labs are subject to lower standards than, for example, medical labs. Recent examples of problems in quality assurance at DNA labs include the scandal involving a DNA lab in Houston where results were falsified and contamination was rampant, and the termination of an FBI analyst after it was revealed that for 2 years, she had failed to run negative controls while analyzing samples.

Thus, while cases involving DNA evidence where there has not been a challenge to the reliability of the results may make appellate courts more confident in the results at trial, examples of numerous DNA exonerations actually inform us that mistakes are likely being made in cases where no biological evidence was left at the scene. This should, if anything, make appellate courts more rigorous in their review, although as a practical matter we have not noticed much of a change. The D.C. Council did, however, pass the non-DNA portion of the Innocence Protection Act, D.C. Code § 22-4135, in 2002. The express purpose of that provision was to provide closer review of innocence in non-DNA cases, on the theory that at least as many mistakes were being made in those cases as were made in the cases where DNA exonerations had demonstrated trial mistakes were made. It is too early to tell whether this provision will result in closer judicial scrutiny of innocence.

Question. Or, is there anecdotal evidence that the court and public are more willing to convict a defendant if scientific evidence is present?

Answer. PDS does have polling results of potential jurors in a specific case that show that jurors place extraordinarily high credence in scientific evidence and in DNA evidence in particular. In the view of most potential jurors, DNA evidence is by far the most reliable form of evidence, and approximately one out of three jurors believes that it “can never be wrong.”

Our polling results also show that jurors begin trials with very little understanding of DNA evidence, and particularly its variety and limitations. For example, a little under half of the jurors begin the trial not understanding that different types of DNA evidence exist (nuclear and mitochondrial). Even when jurors are told that different types exist, around half do not understand that nuclear DNA evidence is more discriminating than mitochondrial DNA evidence.

Our polling data also showed that jurors place considerable weight on eyewitness identification evidence and are not familiar with the growing body of science delineating the weaknesses associated with eyewitness identification. Currently, however, efforts to present eyewitness expert testimony are usually denied by trial judges.

PDS is actively engaged in training to improve defense attorneys’ ability to explain DNA evidence to jurors, litigation to improve the quality of DNA evidence that is admitted in criminal trials in the District of Columbia, and litigation to provide jurors with expert information concerning eyewitness identifications.

REPRESENTATION OF JUVENILES WITH SPECIAL EDUCATION NEEDS

Question. Does PDS handle special education administrative cases or those that go to court?

Answer. Generally, PDS handles special education cases at the D.C. public schools administrative proceedings level, while concurrently serving as the clients’ education advocates in delinquency cases in the Superior Court of the District of Columbia.

Special education administrative hearing decisions, of course, are appealed to the United States District Court. Because PDS has an excellent record in obtaining favorable outcomes for its clients in special education administrative proceedings, PDS attorneys have not had to pursue client claims in the U.S. District Court thus far, except on one occasion; *J.C., et al. v. Vance, et al.*, Civil Action No. 03-CV-971) (D.D.C.) filed on May 2, 2003. The major issue in the *J.C.* case is the District of Columbia’s failure to provide federally mandated special education services to eligible youth incarcerated at the D.C. Jail.

Question. Is PDS part of the court ordered attorneys’ fees in special education cases? If so, how much has PDS collected?

Answer. PDS does not apply for or otherwise receive attorneys’ fees in special education cases.

Question. What role does PDS play in determining what assessment program a child receives or which business or other group performs that assessment?

Answer. The D.C. Public Schools system assumes responsibility for determining what evaluations and assessments should be performed for children and for having them conducted by either D.C. Public School evaluators or independent specialists.

In those instances in which the D.C. Public Schools either fails to perform evaluations and make educational assessments—or fails to perform appropriate, complete, or necessary evaluations and assessments—PDS will identify and seek independent assessments and evaluations from highly qualified specialists and experts in the fields and in disciplines associated with the disabilities of the child who is to be evaluated.

Question. Does PDS play a part in determining what special education program or school a child is sent to?

Answer. As the parent's attorney in special education administrative proceedings and as the child's education attorney in the related Superior Court delinquency proceedings, PDS may make recommendations and advocate for or against particular special education program placements, depending on the needs of the child. PDS does not itself decide the child's placement.

CREATION OF A MENTAL HEALTH TREATMENT PROGRAM

Question. I understand the OPTIONS program was created to reduce the number of mentally ill offenders who are incarcerated or institutionalized because no treatment is available.

Would you highlight the effectiveness of the program and the services it provides to the District of Columbia that were non-existent before now?

Answer. OPTIONS was created as a diversion program to divert mentally ill offenders charged with misdemeanors away from the jail or another onerous condition of release to a more therapeutic environment. This assures the court that the risk of flight is minimal and the mental health issues are being adequately addressed. The program has been very effective in that many people have been connected or reconnected to the mental health system and are getting the appropriate treatment. The OPTIONS program is linked with Community Connections, a private core service agency that affords a myriad of services and contracts with the Department of Mental Health. An OPTIONS client is given a case manager who not only services the client's mental health needs, but also serves as a court liaison—ensuring that clients are present at their court hearings and providing information to the court about the client's progress. The case management provided is aggressive and comprehensive. OPTIONS clients have access to psychiatrists to prescribe medication and, with the help of a treatment team, clients have individually tailored treatment regimens designed to address their individual needs. Therapeutic programs include, but are not limited to, day programs that provide substance abuse counseling, group therapy regarding mental health issues, forensic groups designed to address the unique needs of forensic clients, work training programs, and assistance with benefits and housing. Although acceptance into a core service agency is available to any D.C. resident with a mental illness, the OPTIONS program was the first program to target recent offenders to connect them with services and housing and to help them successfully navigate through the criminal justice system. Approximately 200 people a year have been serviced through the OPTIONS program since its inception in 2001. Examples of great success stories include an individual who successfully completed the program, received a probationary sentence, and got her own house through the Home First program; she is still stable and doing well.

SUBCOMMITTEE RECESS

Senator DEWINE. Well, Mr. Sullivan, we wish you well, and we thank you for your good service very much.

Mr. SULLIVAN. Thank you very much.

Senator DEWINE. Thank you.

[Whereupon, at 11:52 a.m., Wednesday, March 3, the subcommittee was recessed, to reconvene subject to the call of the Chair.]